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THE UNIVERSITY OF ALBERTA

AMERICAN FEDERAL GOVERNMENT INVOLVEMENT IN SPORT 1888 - 1973

by

ROY A. CLUMPNER ©

A THESIS
SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH
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AMERICAN FEDERAL GOVERNMENT INVOLVEMENT IN SPORT - 1888-1973

Roy A. Clumpner

Abstract

American federal government involvement in sport and physical education, with specific emphasis on congressional involvement from 1888 to 1973, mirrored American society, and rose and fell with shifts in the societal attitudes and circumstances of that period. The limited involvement of the government in these areas prior to 1930 was due largely to the age-old belief of "the less government the better." This attitude shifted slightly when the United States was threatened by the Depression of the 1930s, an event which allowed the federal government to enter into all segments of American society--sport included--and resulted for the first time in a shift to a more paternalistic view of the role of the federal government by the American public.

The greatest period of growth, with reference to new pieces of legislation and the number successfully passed into law, took place from 1950 to 1973. Significantly, this corresponds to the burgeoning growth of both amateur and professional sport programs, to the emergence of television as a mass communications medium (with associated high-priced advertising revenues) and to the emergence on the international scene of the sport teams of the U.S.S.R.

Many factors determined United States federal involvement in sport and physical education from 1888 to 1973, with no one specific factor acting as the sole promoter or instigator. Involvement was influenced by a great extent by the dictums of the executive branch of the government, the

international situation, social and economic issues, cost and precedent by which American interests or foreign policy objectives could be achieved. Overriding all these factors was the firm American belief that sport and physical education were really areas outside the purview of the federal government. The idea of "the less government the better" still pervaded American thought and American society as 1973 came to a close. As a consequence, limited involvement of an overt nature was generated by the federal government during the period examined.

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CHAPTER I

INTRODUCTION

> It was found, with few exceptions, that foreign nations officially recognize and admit the importance of physical training or fitness and proficiency in amateur sports. A surprisingly large number of European, Asian, African, and South American countries have created ministries, departments, directorates, or agencies within the central government for the specific purpose of planning, coordinating, promoting, and providing financial assistance to national sports programs.[1]

This report on amateur sport, filed in 1965 by James M. Gavin to President Lyndon Johnson, was but a small indicator of events which had transpired since World War II in various countries throughout the world by which national governments tied themselves to sport* for various political reasons.

Today government involvement in sport extends worldwide, touching practically all countries. Involvement ranges from total control in Communist countries such as the U.S.S.R., the People's Republic of China, the German Democratic Republic and Cuba--

> In Cuba we have not been working in only one field of sports, but in all. We must continue to work in all. We were the only country to win medals in every field of sports. This has been a great achievement. The price in effort has been very high. But the price will be still higher to maintain this pace, and still higher yet to increase it. But we expect you and the new sports group to put forth this effort. Many congratulations. Fatherland or death, we shall win.[2]

--to the laissez-faire system of Australia and the United States. In between lie the countries of Western Europe.

---

*Sport in this context entails organized games, contests and matches at the amateur and professional levels in addition to physical education and fitness.

> To a greater or lesser degree the governments of all Western European countries and many others besides now finance sport for their people, all but three of the European countries drawing the revenue to do so from football pools.[3]

Even in the emerging countries of Africa, most notably Kenya, Nigeria and Ghana, national government involvement in sport is very evident. Such is not the case, however, in the United States, for on the surface it appears that federal involvement in all aspects of sport, whether it be amateur or professional, is miniscule. Gavin's report on amateur athletes spelled this out.

> It has been noted that the administration of amateur sports in the United States lies almost wholly within the private sector of our society. Unlike most major countries of the world, the United States government does not primarily provide direct financial assistance to national sports associations or to the U.S. Olympic Committee, which traditionally raise their funds from private financial contributions, membership dues, gate receipts to Olympic events, and other private sources.[4]

Despite the fact that studies have been done on various aspects of federal involvement in sport in the United States, most deal only with the amateur sport aspect and restrict themselves to specific time periods, topics, or just one branch of the federal government, thereby denying an overall picture of American federal involvement in this field. One area of federal involvement in sport, which has been researched over an extended period of time, however, concerns the American Presidency's involvement in sport. "A History of the Involvement of the American Presidency in School and College Physical Education and Sports During the Twentieth Century" by Donald Zingale[5] thoroughly covers this aspect and, when combined with other works in this area such as Lindop and Sares' White House Sportsmen,[6] Allan Metcalfe's "The Contributions of John F. Kennedy to Physical Education and Recreation,"[7] and articles such as Guy Lewis's "Theodore Roosevelt's Role in the 1905 Football Controversy,"[8] make further investigation in this specific area needless at this time.

While investigation into the executive branch has been extensive, research into other areas of American government involvement in sport has been restricted to specific issues or time periods. By far the most comprehensive study of federal involvement in physical fitness in schools was done by Drew in 1944.[9] While the study was comprehensive, numerous occurrences have taken place since 1944 which warrant further investigation and which, in addition, will supply physical educators with a better overall picture of federal involvement in this area. Applin studied federal involvement in physical education,[10] but restricted his study to two congressional bills which Drew had covered in her original study and which called for federal aid to physical education. Dekoff studied the role of government in the Olympics and included the United States.[11] However, the study was restricted to the amateur level and the time period surrounding the Rome, 1960 Olympics. One of the more recent studies concerning federal involvement in sport has been Jeff Chase's study, "Politics and Nationalism in Sports: Soviet and American Government Involvement in Amateur Sport as an Aspect of the Cold War."[12] In it American government involvement in amateur sport was investigated with reference to the Cold War. The study covered the congressional aspect together with the armed forces and governmental agencies such as the Peace Corps and the President's Council on Physical Fitness. The study was extensive but was limited solely to amateur sport and the time period of the Cold War, thereby neglecting the judicial and professional aspect.

From this information it seems there is need for a study which concerns the entire American federal government's involvement in sport, with the exception of the Presidency, at both the amateur and professional level, from the beginning of organized sport at the national level in this country to the present. Such a study, when combined with a description of what was occurring both in American society and in sport at that time, would shed greater light on the past and possible future role of the federal government in sport in the United States and might, therefore, act as an indicator of what the future portends in this area.

This study was an attempt to draw together information concerning federal involvement in sport, with specific emphasis on the Congress. The concept of involvement as used in the study pertains to actions on the part of various agencies and members of the federal government to influence, change, alter, support, or finance areas of sport and physical education, whether actively or passively, by design or incidentally. Two main thrusts were identified: involvement of the federal government to protect, and involvement to promote. Federal involvement in sport often resulted from a desire to protect the athlete, the public, sport itself, American interests, or a combination of these. Involvement in the promotion sector was for sport itself, the welfare of the public, American interests, or for foreign policy objectives.

The study concerned itself with various branches, agencies and bureaus of the federal government, with the exception of the executive, the armed forces, and organizations which seemingly would have had little connection with sport, i.e. Department of Agriculture, et cetera. The armed forces were not considered due to the fact that it was felt to be outside the normal realm of civilian government and would in itself be a study. Additionally, the federal program of support for the National Rifle Association and for school military programs was not covered in that these programs generally operated under the auspices of the armed forces. In instances where military materiel and personnel were used in a supportive role for a sport competition, the data were included. The study was further delimited to include aspects of gambling only as they articulated with sport.

The time span of the study was from 1888 to 1973, and the material was analyzed in three separate time periods: 1888 to 1919; 1920 to 1949; and 1950 to 1973. The year 1888 marked what was commonly considered the beginning of amateur sport organized on a national level in the United States with the establishment of the Amateur Athletic Union (AAU). The year 1920 heralded a major federal involvement in sport for it was at this time that United States government troopships were used to transport American Olympic athletes to the Antwerp, Belgium Olympic games. The year 1950 was a further significant benchmark in that Congress approved, and the President signed into law the incorporation of the American Olympic Committee.

Extensive research was conducted in the Congressional Record, congressional hearings and reports. In addition, materials were gleaned from the National Archives, Library of Congress, the State Department and its library, the President's Council on Physical Fitness and Sports, various amateur sport governing bodies, the libraries of the universities of Virginia and Maryland, congressional offices, and offices of the White House staff who were responsible at that time for dealing with amateur sport and amateur sport organizations.

No attempt was made to trace in depth the numerous congressional bills and resolutions which were sent to their respective committees never to be heard from again. Future researchers may have to sift through various unpublished committee notes and minutes in order to determine the exact rationale or reason for their demise.

DEFINITION OF TERMS

Amendment: A proposal of a congressman to alter the language or stipulations in a bill or act. It is usually voted upon in the same manner as a bill.

Bill: Designated HR (House of Representatives) or S (Senate), according to the house in which it originated and by a number assigned in the order it was introduced, from the beginning of each two-year congressional term. Public bills deal with general questions and become public laws if approved by Congress and signed by the President.

Bills Referred: When introduced, a bill is referred to the committee which has jurisdiction over the subject with which the bill is concerned.

Committee: A subdivision of the House or Senate which prepares legislation for action by the parent chamber or makes investigations as directed by the parent chamber. Most permanent committees (standing) are divided into subcommittees which study legislation, hold hearings, and report their recommendations to the full committee.

Concurrent Resolution: Designated H. Conc. Res. or S. Conc. Res. Such resolutions must be passed by both houses of Congress and do not require the signature of the President and do not have the force of law. They are generally used to make or amend rules applicable to both houses or to express the sentiment of the two houses.

Hearings: Committee sessions to hear witnesses on legislation or for special investigations. They can be either open or closed to the public and the press.

Joint Resolution: Designated H.J. Res. or S.J. Res. Joint resolutions require the approval of both houses and the signature of the President, just as a bill does, and they have the force of law if approved. There is no real difference between a bill and a joint resolution.

Report: Designated S. Rept. or H. Rept. The document setting forth the committee's explanation of its actions is labeled a report. Most reports favor a bill's passage. Adverse reports are occasionally submitted but more often, when a committee disapproves a bill, it simply fails to report it at all.

Resolution: Designated H. Res. or S. Res. Resolutions deal with matters within the prerogatives of one house or the other. It requires neither passage by the other chamber nor approval by the President and does not have the force of law. Resolutions usually deal with the rules of one house and are also used to express that chamber's sentiments on particular issues or problems.[13]

CHAPTER I

Footnotes

[1] James M. Gavin, Report to the President of the United States, "Amateur Sports in America: An Appraisal and a Proposal" (Arthur I. Little Co. [January 1956]), p. 17.

[2] "Castro Welcomes Pan-American Games Athletes Home," August 15, 1971. Inserted into Hearings Committee on the Judiciary, U.S. Senate, 92d Cong., 1st sess., pt. 25 (October 25, 1971), from "Communist Threat to the United States through the Caribbean," p. 1717.

[3] Peter McIntosh, Sport in Society (London: C. A. Watts & Co., 1968), p. 194.

[4] Gavin, "Amateur Sports in America," pp. 25-26.

[5] Donald P. Zingale, "A History of the Involvement of the American Presidency in School and College Physical Education and Sports during the Twentieth Century" (Ph.D. dissertation, Ohio State University, 1973).

[6] Edmund Lindop and Joseph Sares, White House Sportsmen (Boston: Houghton Mifflin Company, 1964),

[7] Alan Metcalfe, "The Contributions of John F. Kennedy to Physical Education and Recreation" (Master's thesis, University of Wisconsin, 1966).

[8] Guy M. Lewis, "Theodore Roosevelt's Role in the 1905 Football Controversy," Research Quarterly, XL (December 1969),

[9] Gwendolyn Drew, "A Historical Study of the Concern of the Federal Government for the Physical Fitness of Non-Age Youth with Reference to the Schools, 1790-1941" (Ph.D. dissertation, University of Pittsburgh, 1944).

[10] Albert G. Applin, "National Legislation for Health, Physical Education and Recreation: The Schwert Bills, HR 10606 and HR 1074--A Study of Why They Failed" (Master's thesis, Pennsylvania State University, 1968).

[11] Irving Dekoff, "The Role of Government in the Olympics" (Ph.D. dissertation, Teachers College, Columbia University, 1962).

[12] Jeffrey Chase, "Politics and Nationalism in Sports: Soviet and American Government Involvement in Amateur Sports as an Aspect of the Cold War" (Master's thesis, San Jose State University, 1973).

[13] Congressional Quarterly Almanac, XXIX (1973), xv-xxvii.

CHAPTER II

THE BEGINNING OF ORGANIZED SPORT

1888-1919

United States

The period after the Civil War to the turn of the twentieth century proved to be one of the greatest periods of increased growth in industry and manufacturing in the history of the United States. Prior to the war, American society was based on the idea of individual independence, the small town, and the never-ending frontier. As long as these lasted, it was felt that America would not follow her parent, Europe, who was felt to be a corrupt, complex society with the city depicted as the villain.

This all changed drastically, however, as the railroads extended out to the West Coast in the last one-third of the nineteenth century, thereby bringing the vast frontier to an end and with it, the end of good, cheap farm land.

The face of America slowly changed as cities began to increase in size. By the turn of the twentieth century, America had changed from an agriculturally based country to that of an industrial giant. Urban dwellers soon outnumbered rural dwellers and foreign trade doubled in the period from 1870 to 1900. With urbanization and industrialization came a similar shift in the American mind. "The new folk lore celebrated business rather than adventure, the new heroes were captains of finance and titans of industry. . . ."[1] Business became uppermost in American minds and anything which spurred it on was allowable.

> Chaotic growth and expansion, dominated by individualism and laissez faire, had fostered a money madness and a worship of the god Success that left their imprint upon all phases of social, economic, and political life.[2]

Because of intense competition, mergers became quite prevalent, making large companies even larger and resulting in a control of the market which throttled competition. Industry and manufacturing soon became enwrapped in the hands of a few powerful businessmen, such as Carnegie, Morgan and Rockefeller, which eventually caused public opinion to demand action against what was felt to be antitrust practices. Partial relief was given by President Theodore Roosevelt at the turn of the century through the application of existing antitrust laws and the creation of new ones.

With industrialization and urbanization came other changes which affected American life. The home itself was changed drastically with the development of such techniques as canning, textile making, the preserving of food and laundering. These tasks tended to be shifted from the home environment into the business or industrial sphere. Women, likewise, made the first movements outside the home and created a new labor force as stenographers and salespersons. At the same time attempts began at the turn of the century to rid industry of the evils of child labor. As a consequence, a new emphasis on public education arose as more youngsters were sent to school. School philosophies also shifted in response to the influence in the early part of the twentieth century of John Dewey, who preached that education should go beyond mere book learning. Many new dimensions were included in school curricula as the traditional "three Rs" were extensively augmented.

Through it all, however, American industrialization continued on at a rapid, every-increasing rate, stopping only for a temporary shift to war production during the First World War, and then shifting into high gear afterward, thereby continuing the economic boom.

Internationally

Following the Civil War, America emerged from her isolationist position and became more and more involved in international affairs, due largely to the increase in international trade. Manifest Destiny, the concept of overspreading and possessing the North American continent in the interest of democracy, likewise raised its head in the late nineteenth century as the United States spread its sphere of influence into Cuba and Panama. The resultant defeat of Spain in the Spanish-American War of 1898 elevated the status of the United States to that of a world power, and with the ascendancy to the presidency of Theodore Roosevelt in 1901 international involvement increased. Flexing American muscle, Roosevelt sent an American naval fleet around the world as an illustration of the emerging new power, and involved the United States in many international arenas, chief of which was as a participant in the Algeciras Conference in 1906. In addition, Roosevelt proclaimed his own version of the Monroe Doctrine, sounding a warning to colonists in the Western Hemisphere.

As the world moved closer toward war in the second decade of the twentieth century, American isolationism returned. The attempted neutral stance toward the war by the United States was impossible, due extensively to the strong ties with the Allied Powers. As a result, the United States became one of the chief sources of supplies for the allied cause. Eventually, out of sympathy for the allied cause and British, French and Belgian ties, plus fear of German victory, the United States joined in the effort and emerged from the great war as a major participant in the Treaty of Versailles and a recognized power in the world. As the period came to a close, with industry and manufacturing unscathed by the war, the United States stood as the world's industrial leader.

In spite of this, President Wilson's dream of an internationally involved United States was crushed by a Congress which would not allow America to participate in the League of Nations, and an isolationist position was reaffirmed. "The defeat of Wilson, the repudiation of the New Freedom and of internationalism, set the stage for the appearance of isolation and Laissez faire, and these two forces dominated it for the next decade."[3]

American Federal Government

Traditionally the powers entrusted to the federal government by the Constitution consisted of the authority to levy taxes, duties and imports, coin money, fix weights and measures, grant patents and copyrights, establish post offices, post roads, raise and maintain an army and navy, regulate interstate commerce, manage Indian relations, international relations and war, pass laws for naturalizing foreigners, control public lands and admit new states to the Union. On the other hand, jurisdiction over such areas as schools, local courts, policing and the protection of civil liberty, were placed in the hands of state governments. Permeating this system of federal and state government was the Jeffersonian philosophy which defined liberty largely in terms of the absence of governmental restraint, a system which worked adequately when the country's economic base was of a simple agrarian order of small property owners. Jefferson envisioned that America would remain agrarian based and did not portend the changes which were to follow the Civil War.

Indeed, the end of the Civil War marked the termination of the simple agrarian order to a more industrial one. With the growth of the railroads and major industry, the federal government found itself in the position of being used in the interests of a few. By the end of the century business interests controlled both state and national legislatures. Land subsidies were granted to railroads,and stock and tax exemptions occurred at both the state and national level. The federal government gave fifty million acres of land to state governments to pass on as subsidies to railroad companies and also gave 1.6 billion acres of land directly to the transcontinental railroads, thus creating a vast empire of land owned by the railroads. In addition, railroads extracted exorbitant rates, discriminated against those whom they would service and made wholesale land grabs. Giant corporate powers such as Rockefeller and Carnegie crushed competitors, thereby creating a corner on the market. As a result, there was no enforced regulation of private enterprise in the United States. Agents for corporations lobbied for favorable laws through state legislators for their own protection. If any enforcement was done in this regard, it was left up to state governments to act, which usually varied from none to little.

The passage of the Sherman Anti-Trust Act of 1890, which outlawed conspiracies in restraint of trade and which met with but one negative vote in Congress, did little to stem the tide of big business control as the federal government chose not to enforce the law. The result was widespread alarm and bitterness by the turn of the century as more and more people saw that "to the victor go the spoils."

> Science and machinery had outrun social science and political machinery. The practices and principles inherited from an eighteenth-century rural republic were no longer adequate to the exigencies of a twentieth century urban state.[4]

Instinctively men turned to each other for support instead of the government. Attempts were made both to establish closed shop unions and to get existing laws enforced. Both attempts failed. The power of the corporations proved too strong and their influence in government too powerful for any action of this nature to take place. Cries for reform continued; however, the thought of government interference in industry was repugnant to the minds of a people who favored as little government as possible.[5]

As Commager related in his work, The American Mind, the virtues of private enterprise and rugged industrialism held sway up to the twentieth century. Americans resented government interference with private enterprise far more than private interference with government.[6] Slowly the idea that permanent relief from oppressive conditions could be obtained only through governmental intervention gained ground.[7] In 1900 eighteen bills were introduced before Congress calling for the restriction or the outlawing of trusts, but none of them passed.

With the realization that individual states, each with their own views, laws and enforcement of the problem, could not remedy the situation, and with a huge public outcry in 1901 when Carnegie sold his steel interests to U.S. Steel, the United States government, under the direction of President Theodore Roosevelt, finally began enforcing both the Sherman Anti-Trust Act and the Interstate Commerce Act. The protection of the individual was now at the forefront. Additional legislation soon created the Workman's Compensation Act, the Pure Food and Drug Act, and the Meat Inspectors Act.

> Roosevelt's bold decision to give life to the Sherman law reflected in the broadest sense his concern for the state of the nation. . . . Political machines based on the frustrations of the submerged lower classes or the greed of the high business order were tightening their grasp on the body politic . . . there was rising such a concentration of business power as made a mockery of the democratic process and threatened the foundations of the republic itself.[8]

With Roosevelt's trust-busting action a foundation was laid for the possible future involvement and regulation of business by the federal government.

Attempts at federal involvement in other spheres of American life met with little enthusiasm during this period. In the area of education numerous legislative attempts were made in some way to involve the federal government, but all fell to the wayside. By 1919 the only federal involvement in schools was still the 1862 Morrill Act by which the federal government had granted to each state public land to found mechanical and agricultural schools. Federal involvement, therefore, was only accepted in the realm of business as the pressing needs to alleviate the social problems of the times were left to each individual state. This was an area still felt to be outside the role of federal government.

American Sport

While the year 1888 marks the beginning of the Amateur Athletic

Union and the first real national amateur sport governing agency, organized sport was well established before this time. In fact, organized horse-racing, boxing, rowing, yachting and some baseball was much in evidence prior to the Civil War. The period after the Civil War proved to be one of organized sport's greatest periods of expansion as more leisure time became available for the populace to view and participate due to the industrial and technological revolution. Popular participatory activities during the post-Civil War period included baseball, croquet, cricket, bicycling, tennis, roller-skating, polo, field sports, canoeing, gymnastics, curling, hunting, and archery.[9]

With increased participation came increased demand for clubs, which in turn necessitated a demand for some type of governing body. Through the formation of clubs such as the Olympic Club of San Francisco (1860), the New York Athletic Club (1868), and the League of American Wheelmen (1880), the foundation was laid for future expansion in amateur athletics. Professional sport likewise was organized during the post-Civil War period. Professional prize fighting already was quite popular and by 1869 a professional baseball team had made its appearance. On the campuses student-run athletic clubs sprang up and soon began to informally represent their campus in competitions against other schools. As early as 1852 Harvard met Yale in rowing, while in 1869 Princeton played Rutgers in a type of soccer-football game, the forerunner of present-day American football. Rowing competitions, track and field, and even tennis became quite popular intercollegiately. In addition, the Young Men's Christian Associations began to include sport in their organization, which in turn spread the popularity of volleyball and basketball, two American games devised during this period.

By the 1880s competition had risen to a high level. Already established were the First National Tournament of the United States Lawn Tennis Association (1881), aquatic competitions between colleges, private club-sponsored regattas, the American Association of Baseball Players, and the National Baseball League (1876).

With the establishment of the Amateur Athletic Union in 1888, a permanent national governing body to control amateur sport was created which even today maintains its governing influence over the majority of amateur athletics in the United States. With its aid more and more amateur sporting contests took place through the second decade of the twentieth century.

Attention to organized sport toward the end of the nineteenth century changed somewhat and focused on the colleges as more and more schools took up sport. Football became quite a spectator sport, so much so that gate receipts soon supported the introduction of other sports. Soon schools relied on revenue from football games to support other male athletic programs, and eventually the realization that a winning team usually resulted in more spectators in turn produced greater revenues and caused schools to recruit for players and full-time coaches. With a business organization as large as this, control soon passed from the hands of the students into the school administration. Eventually athletic scholarships were introduced and the belief arose that alumni contributions were tied to winning athletic teams, especially football. Looking back on this period, the Carnegie Commission (which investigated collegiate athletics) had this to say of the period prior to the twentieth century:

> The accusations against athletics current in the last decade of the century might easily have served as a sourcebook for their later opponents. They included charges of "over-exaggeration," demoralization of the college and of academic work, dishonesty, betting and gambling, professionalism, recruiting and subsidizing the employment and payment of the wrong kind of men as coaches, the evil effects of college athletics upon school athletes, the roughness and brutality of football, extravagant expenditures of money, and the general corruption of youth by the monster of athleticism.[10]

Facing criticism and pressure, a number of colleges banded together in 1905 to create what was to be known as the National Collegiate Athletic Association, the first nation-wide controlling agency for men's intercollegiate athletics.

Inhibited somewhat by the First World War, intercollegiate athletics and professional sport continued to grow in popularity, both from a spectator viewpoint and in terms of the numbers of participants. Basketball and volleyball also became quite popular as the foundation was laid for the decade of the 1920s, which historically has been called "the Golden Age of Sport."

On the physical education side, growth prior to the twentieth century was slow, with groundwork being laid at the collegiate level in the last quarter of the nineteenth century by such notables as Dr. Dudley Sargent, Dr. Thomas Wood and Dr. Edward Hitchcock, who shaped the school physical education programs of the future. By the turn of the century, most colleges had some type of physical education department based on a health dimension and some states had even passed mandatory physical education legislation. With the advent of World War I and the disclosure, in 1917, of a high rate of draft rejections, more states joined in passing mandatory physical education legislation.

By 1918, eighteen states had legislated to this effect.

Finally, international sporting contests appeared during this time as the ancient Olympic games were reintroduced in 1896. The United States participated in the first of the modern Olympics held in Greece and continued to do so thereafter, dominating most events and becoming recognized as the world's athletic power.

Background to Federal Involvement in Sport

> No governmental agencies taught or controlled the recreational activities of the inhabitants of this country. As in all other facets of living, the people were obliged to govern their recreation themselves. No central body existed for this purpose and no one was sent from Europe to do this job on the Americans. Thus, the responsibility was placed where (in a free country) it belonged--upon the people.[11]

Federal involvement in the early years of organized American sport thus paralleled the involvement of the federal government in other areas of American society which were not explicitly spelled out in the Constitution. The end result was that such nonconstitutional matters as sport were left up to local authorities or to the individual states, if they came up for study at all. One example of this was the attempt in the late 1800s to abolish prize fighting due to the brutality resulting in deaths, fixed fights and the encouragement of gambling.

Public outcry for its abolishment was quite high as is evidenced by a New York Times editorial of 1886.

> . . . it may be hoped that the time is not far in the future when an aroused public sentiment will demand the passage of a law which will meet just such cases as this, and put a stop to these disgusting and brutal exhibitions.[12]

Since only total compliance by all the states would result in prize fighting's demise, no federal laws were passed. It was left to each individual state to outlaw the sport. As a result, prize fighting was never totally banned in all the states, although by 1911 all but Nevada had such laws forbidding its exhibition.

Likewise it was left to each state to lift the Sunday Recreation laws which prohibited sport, most notably baseball, from being played on that day. In addition, the first attempts to repeal baseball's reserve clause which tied a player to one team for as long as that team so desired, took place in 1886 and 1899 at the state level, but not at the federal level.

While the federal government did maintain a relatively low profile during these early years, two areas where it did involve itself concerned protection and promotion, most notably protection of the athlete, the public, and sport, and promotion of sport for sport's own sake, for the public's welfare, and for United States' interests.

Federal Involvement to Protect the Public

Abolishment of Prize Fighting

As noted previously, there were many attempts during this period to abolish prize fighting at the state level. For example, in 1896 Congress, as guardian for the District of Columbia and the territories, passed H.R. 5566, "to prohibit prize fighting and pugilism and fights between men and animals, and to provide penalties therefor, in the Territories and the District of Columbia."[13] However, Congress could not get together, possibly due to the idea of state's rights, to abolish prize fighting in all the states.

Media-Related Involvement

A change in attitude did take place when transmission of prize fights began in the latter part of the 1800s. Now prize fighting was crossing interstate lines and could conceivably be considered to come under federal jurisdiction. In 1897 three bills--H.R. 1598, H.R. 10369 and S. 1187--were introduced in their respective chambers and called for the prohibition of the transmission by picture or description of any prize fight by mail or interstate commerce. In its report, which encouraged passage of the bill, the House Committee on Interstate and Foreign Commerce, outlined what H.R. 10369 would do.

> This bill simply protects the more advanced States which have forbidden pugilism as brutal and brutalizing against having prize fights brought into their borders in pictures and descriptions which are only a little less harmful than the degrading sport which they described. (This bill does not forbid a brief statement of the fight as a matter of news.)[14]

Citing pictures of the brutality of pugilism as hardly less harmful to youth than transporting obscene pictures across state lines, for which a law had already been passed by the same Congress, the Committee recommended that the House pass the legislation.[15] On the floor of the House emotions ran at a high pitch, as can be judged by the remarks of Congressman Morse as he attempted to convince fellow congressmen of the need for federal legislation.

> Every State in the union, save three, make prize fighting a crime, and the suppression of the details and of pictures of this degrading, brutal, and disgusting business is in entire harmony with the laws of the States, with the laws of the United States, and with the sentiment of our people. . . I repeat, Mr. Speaker, that this bill is in the interest of virtue and public morals. Pass this bill and relieve these brutal exhibitions of the notoriety which they are given by the press, and the business of the prize fighter will be gone, and the country will be saved from this everlasting humiliation and disgrace. . . . Mr. Speaker, the whole business is brutal, degrading, disgusting, repugnant to the moral sense of our people, demoralizing to the young men of our country, and this bill should pass and become law. [Applause.][16]

Congress was not so enthusiastic! The session ended without passage of the bill. A similar fate awaited H.R. 9344 in 1900. From 1900 to

1910 no legislation pertaining to the banning of prize fight film appeared in Congress. This changed in 1910 when H.R. 2585 was introduced, followed one year later by H.R. 2160. Both bills outlawed the transporting of prize fight film and the transmission of race gambling bets of racing odds. While these bills were unsuccessful, they represented a growing concern in Congress on this matter, possibly due to the fact that the heavyweight champion of the world at this time was an American negro, Jack Johnson. Interest in passage of legislation on this matter heightened when it was announced that Johnson would fight Jim Flynn in Las Vegas, New Mexico in July of 1912. Two similar bills (S. 7027 and H.R. 24962) were introduced. Before congressional action could take place, the fight was staged and Johnson emerged victorious. Congressman Roddenbery of Georgia summed up his feelings on the fight and the need for passage of the bill.

> I call the attention of the House to the fact that the recent prize fight which was had in New Mexico presented, perhaps, the grossest instance of base fraud and bogus effort at a fair fight between a Caucasian brute and an African biped beast that has ever taken place. It was repulsive. This bill is designed to prevent the display to morbid-minded adults and susceptible youth all over the country of representations of such a disgusting exhibition.[17]

While the majority of Congress favored the bill, there were those who were opposed on the basis of state rights, as is evidenced by the remarks of Congressman Murray from Massachusetts:

> We do not need to occupy the time of the National Congress to regulate such matters, and I doubt very much whether there is any State in this Union that needs to have the time of this Congress taken up in the regulation of its internal affairs. I wonder what it is that causes men from the Southland, who in this Hall have always insisted upon the doctrine of State rights, to arise and urge with such great seriousness that legislation of this kind be passed? I do not believe it is necessary for the National Government to invade the State of the Union and tell them what they shall

> and shall not do in this situation; and I suggest to Members that we might in these days be giving our attention to problems of much more concern to the American people than this one, rather than to allow men here to demagogue along certain lines. [Applause.][18]

Congressman Murray's remarks against federal interference were popular but they could not override the emotional feeling running throughout Congress on this issue, the results being the passage of S. 7027 into law on July 31, 1912 as Pub. Law No. 246.

There were other bills having to do with boxing and the protection of the public's interest during this period, however they never were reported out of committee. Neither H.R. 11316 in 1918, "to discourage prize fighting and impose taxes," nor H. Res. 139 in 1919, to protect the Nation's birthday against desecration by a prize fight, stirred any response from Congress and were never reported out of committee.

Safety on Water

In addition to boxing, the federal government also became involved in yachting as it pertained to the safety of spectators, although not directly involved in the sport itself. With little ceremony, S. 6028 became Pub. Law No. 102 in 1908 and provided for the safety of life on navigable waters during regattas or marine parades. By it the Secretary of Commerce and Labor was authorized and empowered to issue, from time to time, regulations to promote the safety of life on navigable waters during regattas or marine parades. This entailed, for the most part, patrolling international yacht races held in the United States, along with others of lesser importance such as the Harvard-Yale boat races.

Federal Involvement to Protect the Public, the Athlete, or the Sport

At no time during this period was there more evidence of the federal government becoming involved in the protection of the public, athlete, and sport as was President Theodore Roosevelt's involvement in college football, in 1905. Since this aspect concerns the executive branch and has been aptly described by both Guy Lewis[19] and Don Zingale,[20] it will not be included in this study.

Investigating the Baseball Trust

Attempts to protect both the public and the athlete appeared during this period and concerned themselves with baseball's reserve clause. As mentioned previously, baseball and its reserve clause did not come under the scrutiny of the federal government at this time, but was left up to individual state governments to examine. In 1912, however, possibly reflecting the growing trend of trust-busting, the first attempts at legislation to investigate the baseball trust were made by Congressman Gallagher when he introduced H.R. 450. Citing how baseball had the most audacious and autocratic trust in the country, Gallagher outlined many of the evils of the game:

> . . . how competition is stifled, how territory and games are apportioned, how the prices are fixed which millions must pay to witness the sport, how men are enslaved and forced to accept salaries and terms or be forever barred from playing, and other acts incident to trafficking in a national pastime for pecuniary gain. . . .[21]

Although Congressman Gallagher was notably moved on this topic, Congress was not, and the resolution quietly died in the Committee on Rules where it had been sent.

Federal Involvement to Promote Sport for Sport Itself

Inquiry and Tabulation of Professional Baseball

Federal involvement in the area of promotion of sport for sport itself resided in Congress where several such cases appeared. In 1911 a House resolution was introduced which called for an investigation into professional baseball. The investigation, however, was not the typical investigation to discover wrongdoing. Instead, H.J. Res. 153 resolved

> . . . that the Committee on Education are hereby required to inaugurate immediately a thorough and searching inquiry into the operation and manner of conducting said national game of baseball and to ascertain specifically the batting averages, hits, errors, two-baggers, home runs, assists, sacrifices, slides, strike outs, bunts, fouls, forced runs, flits and pop-ups, single and double plays of each and every individual member of the American and National leagues and all minor leagues, including trolley leagues.[22]

In justifying such an investigation, the resolution stated that the national game of baseball ". . . seems to be about the only matter of national importance whose investigation has not been provided for since the convening of the sixty-second Congress."[23] Whether submitted in jest or all seriousness, H.J. Res. 153 never came up for a vote and died at the end of that term of Congress.

Financial Assistance

In addition to baseball legislation, Congress in 1916 was asked to promote the construction of a stadium in Washington, D.C. where it was hoped that, in addition to the staging of such contests as the Army-Navy football game, the stadium would play host to the

1920 Olympic games. (It is not known if this bill concerned only the District of Columbia or the entire nation.)

In discussions on the topic, Secretary-Treasurer of the Amateur Athletic Association, Frederick W. Rubien, chided Congress on its lack of support for American Olympic teams in hopes of passage of Congressman Hulbert's bill, H.R. 14905.

> Other countries have financed their Olympic teams from the initial holding of the world games. Trainers, grounds, traveling expenses--all essential expenditures have been met by the national purse. Uncle Sam, however, has never unbuckled his wallet to shed a cent in the support of those of his children who have crowned him with the world's athletic supremacy. It is high time that he showed a substantial interest in the matter, and he will have done so in a way highly pleasing to the athletic organizations as well as creditable to the country, if this projected stadium is erected.[24]

The bill, which called for the appropriation of $1,545,397, was sent to the Committee on Appropriations where it, like so many other bills pertinent to sport, died in committee.

Interestingly, an indirect, unethical promotion of sport by the federal government occurred in a peculiar fashion in 1905. Taking the encouragement by the federal government to organize baseball teams to play on the White House grounds one step further, federal department bureau heads permitted the hiring of professional ball players to strengthen their respective teams. Payment was made directly out of the public treasury as the professionals were listed as government employees. Needless to say, such practices ceased with their disclosure.[25]

Federal Involvement to Promote the Welfare of the Citizen

Physical Education Legislation

Several unsuccessful attempts were made during this period by Congress to have the federal government involve itself in some area pertaining to physical education to promote the health of the public. As early as February 20, 1902, S. 4073, a bill " . . . to establish an executive department of Physical Education," was introduced which attempted to establish an executive department of physical education which would have had a secretary of physical culture within the executive branch, with various bureaus, divisions, sections and agencies.[26] In addition, there was to be established a commissioner of physical culture in each state who was to be paid a $4,000 annual salary. The bill, however, was referred to the Committee on Education where it died. Likewise, bills S. 5654 and H.R. 19797, introduced in 1910 and aimed at the establishment within the United States Bureau of Education of a division for the collection and dissemination of scientific data on physical education, also died in their committees. The proposed bill S. 5654 terminated in the Senate Committee on Education and Labor, and H.R. 19797 in the House Committee on Interstate and Foreign Commerce.

With the entrance of the United States into World War I, in April of 1917, came a greater consciousness in Congress of the importance of physical training. This was spurred on by reports from the medical exemption boards of an alarming rate of physical deferments among voluntary enlistees. The result was the introduction in September by Congressman Claypool of an all-encompassing omnibus bill to promote physical culture throughout the nation. In introducing H.R. 5975 Claypool played upon the theme of American weakness in the line of enemy strength.

> The appalling condition, disclosed by the recent physical examinations of the young men of our Nation before the exemption boards has sent a thrill of alarm and a sense of profound concern into the heart of every thinking and loyal citizen . . . "Cram the mind, though the body be crippled" has been the abiding practice of our people so long that when the hour of great necessity arises, when the moment of peril is upon us, and the things that are more priceless to us than our lives are in jeopardy and the cry of a ruthless enemy is heard at our gates, and the Nation turns with confidence to the surging millions of its citizens for defenders, an amazing host is found nervous, timid, uncertain, doubtful, hesitant, and with waning and depleted vitality . . . The tremendous necessity of enlightening the people concerning the peril to the Nation through the physical weakness of its people must not be overlooked.[27]

Claypool's bill provided for the creation of a federal board for physical culture which would have supreme supervision and control over the training, testing and experimental work in physical culture around the United States in addition to control over studies, exercises, investigations and reports. All of this was proposed to aid in the organization and conduct of physical education throughout the nation. Provisions were made for each state to have a state board to cooperate with the federal board, and federal appropriations were made to pay the salaries of teachers, supervisors, and directors of physical culture and to prepare teachers, supervisors and directors of physical culture for those states choosing to join. Appropriations to the states were to increase each year, beginning with a $500,000 appropriation in 1918 to a three-million dollar ongoing appropriation from 1920, providing that matching funds were appropriated by each state. An additional appropriation for the purpose of cooperating with the states in preparing teachers, supervisors, and directors of physical culture was to be appropriated, ranging from $500,000 in 1918 to one million dollars in 1921 and annually thereafter. All funding was to be allotted to the states in the proportion in which their population bore to the total population of the United States. In addition, the bill also had an incentive provision:

> That there is hereby appropriated to the Federal Board for Physical Culture the sum of $50,000 annually, to be available each year from and after the passage of the Act to be used as rewards or prizes for the purpose of encouraging training tests and experiments in determining the best system of physical culture available.[28]

H.R. 5975 was reffered to the Committee on Education where it remained for the rest of the sixty-fifth Congress.

Other attempts during this period for passage of physical education legislation came under an omnibus education bill submitted to the sixty-fifth Congress, second session, in 1918, by Senator Hoke Smith of Georgia at the request of the National Education Association and the Association of College Presidents of the United States. S. 4987 called for the creation of a federally funded department of education at a total cost of twenty million dollars. Physical education was to make up one part of the department and was to share funds with recreation and various medical and dental exam programs for school children, in addition to other health benefits. The total appropriation for this branch was to be two-tenths of the sum annually appropriated by Congress. No further action took place after the bill was introduced, and subsequently numerous versions of the bill appeared. In 1919 it was reintroduced as H.R. 15400 and S. 5633, and thereafter it was reintroduced as H.R. 7 and S. 1017 in the sixty-sixth Congress, first session (May 1919), and as S. 1252 in 1921. None of the newer versions got out of their committees. Finally, an attempt in 1919 by Congressman Fletcher to introduce an amendment to an appropriation bill to investigate the state of physical education likewise met with inaction on the part of Congress.[29]

While all of these efforts failed, there was organized pressure being placed on Congress during the latter part of this period for some type of physical education legislation. In February, 1918 a conference on physical training was called by Dr. P. P. Claxton for just this purpose. The plan was to develop a national movement for physical training and the promotion of health for girls and boys. The conference was composed of such notables in the field of physical education as Dr. R. Tait McKenzie, Dr. Dudley Sargent and Walter Camp. From this meeting two proposals were adopted by the fifty-three attendees. The first stated:

> That it seems desirable that Congress should give recognition to the vital and neglected phase of education with a bill and appropriation similar in purpose and scope to the Smith-Hughes Law; to give sanction, leadership, and support to a national program of health and physical education; and to encourage, standardize, and, in part, finance the practical program of constructive work that should be undertaken in every state.[30]

The second proposal stated:

> That federal recognition, supervision, and support are urgently needed, as effective means, under the Constitution to secure that universal training of boys and girls in health and physical fitness which are essential to efficiency of all citizens both in peace and in war.[31]

From this original committee another committee was formed, the National Physical Education Service, which had over thirty-five organizations within its ranks, all with the goal of pressuring the public and Congress for physical training legislation. While the

National P.E. Service was well organized by the eve of this period, action was limited. However, their impact was to be felt in the twenties as they applied more and more pressure on Congress.

Federal Involvement to Promote American Interests or Foreign Policy Objectives

Aid for an International Exhibition

While the use of sport by the federal government for American interests or foreign policy objectives was to be a prominent occurrence in future years in the United States, only one instance occurred during this period which could even closely be considered relating to this topic. This occurred in 1898 with the introduction by Senator Mason of bill S. 3574, " . . . to aid the Amateur Athletic Union of the United States of America in a display of American athletic sports at the Paris International Exhibition of 1900."[32] Although the bill never found its way out of the Select Committee on International Expositions, it was an attempt by a member of Congress to promote a display of American sport with the possible end results of heightening American prestige throughout the world, since at this time the American Olympic teams had been dominating the modern Olympic games. Interestingly, this also marked the first time funds were asked of Congress to support amateur sport.

Summary

In summary, American government involvement in sport during the period of 1888 to 1919 focused upon the protection of sport for the athlete, for sport and for the public, and the promotion of sport both for sport itself and for the public's welfare. While there was one instance of promotion of sport for American interests or foreign policy objectives, it cannot be considered a direct example in that it touched on this area only slightly.

Two legislative actions resulted in passage of laws. One law related to the banning of prize fight pictures and the other concerned patrolling yacht races by the Coast Guard. Both of these had for their main objectives the protection of the public.

Other concerted efforts were made by the federal government through attempted legislation at this time, and all failed to make it through Congress. Most notable was the attempted passage of various physical education bills to promote the welfare of the citizen. Finally, an attempt was made to protect both the athlete and the public against the baseball monopoly, but this also received no response. Through it all, government involvement in sport was no different than its involvement in most other sectors of American society at this time as the Jeffersonian idealism of state rights persevered. The idea that the federal government should remain outside the internal affairs of the states, plus the belief that sport was a state affair, was extremely popular at this time and permeated the actions of Congress. Even when a situation arose, such as the interstate transportation of prize fight film whereby the federal government was justified constitutionally to act, Congress hesitated. Only when public sentiment clamored for passage, and the emotional issue of race entered in, was passage assured and then only after fifteen years of effort.

CHAPTER II

Footnotes

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[3] Allen Nevins and Henry Steel Commager, A Short History of The United States (New York: Modern Library, 1956), p. 414.

[4] Nevins and Commager, p. 355.

[5] Paul Clod, et al., eds., The Process of American History, vol. 2 (New Jersey: Prentice-Hall, 1969), p. 194; see also Benjamin Parke De Witt, The Progressive Movement (New York: 1915).

[6] Commager, American Mind, p. 13.

[7] Clod, et al., Process of American History, p. 191.

[8] William Harbough, The Life and Times of Theodore Roosevelt (New York: Collier Books, 1967), pp. 150-51.

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[11] Robert Korsgaard, "A History of the Amateur Athletic Union of the United States" (Ph.D. dissertation, Teachers College, Columbia University, 1952), p. 1.

[12] New York Times, 7 July 1886, p. 4.

[13] U.S., Congress, House, A Bill to Prohibit Prize Fighting and Pugilism and Fights Between Men and Animals, and to Provide Penalties Therefor, in the Territories and the District of Columbia, H.R. 5566, 53d Cong., 2d sess., 1896,

[14] U.S., Congress, House, Committee on Interstate and Foreign Commerce, Transmission by Mail or Interstate Commerce of Picture or any Description of Prize Fight, H.R. 3046, 54th Cong., 2d sess., 1897.

[15] Ibid.

[16] U.S., Congress, House, Congressman Morse addressing need for federal legislation to make prize fighting a crime and suppression of details and pictures of the sport, 54th Cong., 2d sess., 1897, Congressional Record 29:2587.

[17] U.S., Congress, House, Congressman Roddenbery addressing need for federal legislation to prohibit prize fighting between members of Caucasian and Black races, 62d Cong., 2d sess., 1912, Congressional Record 48:93505.

[18] Ibid., p. 93506.

[19] Guy Lewis, "Theodore Roosevelt's Role in the 1905 Football Controversy," Research Quarterly (December 1969); see also Donald Zingale, "A History of the Involvement of the American Presidency in School and College P.E. and Sports During the 20th Century" (Ph.D. dissertation, Ohio State University, 1973).

[20] Donald P. Zingale, "A History of the Involvement of the American Presidency in School and College Physical Education and Physical Education and Sports During the 20th Century" (Ph.D. dissertation, Ohio State University, 1973).

[21] U.S., Congress, House, Congressman Gallagher addressing need to investigate baseball trust, 62d Cong., 2d sess., March 11, 1912.

[22] U.S., Congress, House, H.J. Res. 153, 62d Cong., 1st sess. (Washington, D.C.: Government Printing Office, 1911), p. 5.

[23] Ibid., pp. 4-5.

[24] Article inserted in Congressional Record, 64th Cong., 1st sess., vol. 53, 8 May 1916, pp. A891-92, from an article in New York Times, 23 April 1916.

[25] New York Times, 29 June 1905.

[26] U.S., Congress, Senate, proposal of a bill to Establish an Executive Department of Physical Culture, S. 4073, 57th Cong., 1st sess., 1902.

[27] Congressional Record, 65th Con., 1st sess. (1917), vol. 55, p. 551.

[28] U.S., Congress, House, H.R. 5975, 65th Cong., 1st sess. (1917), p. 7.

[29] Congressional Record, 65th Cong., 3d sess. (1919), vol. 57, p. 2191.

[30] Gwendolyn Drew, "A Historical Study of the Concern of the Federal Government for the Physical Fitness of Non-Age Youth with Reference to the Schools, 1790-1941" (Ph.D. dissertation, University of Pittsburgh, 1944), p. 100. See also "Anon: Report" Mind Over Body, vol. 25, no. 269, 1918.

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[32] U.S., Congress, S. 3574, 55th Cong., 2d sess., 1898.

CHAPTER III

FURTHER EXPANSION AND ORGANIZATION

1920-1949

United States

The economic growth which characterized America in the first two decades of the twentieth century continued unabated in the 1920s. Tremendous prosperity greeted all but the workingman and the farmer. From 1920 to 1929 the total output of the economy increased by more than 50 percent. Stocks rose to new heights and housing boomed. Americans by and large dedicated themselves to making and spending money during the twenties and the new heroes of this golden age were the engineers, stockbrokers, salesmen, advertisers and movie stars.

But all was not perfect. The farmer saw his income decline from fifteen and a half billion dollars to five and a half billion dollars between 1920 and 1932. By 1929 the productive capacity of the nation was greater than its ability to consume, and when this was coupled with the inability to export due to tariffs and War Department policies, the stage was set for the 1929 Wall Street crash.

By 1930 the Depression had spread world-wide, causing the collapse of all foreign markets, leading to the closure of banks, and creating unemployment. In the United States twelve million were unemployed, 5,000 banks had closed their doors, and 32,000 commercial enterprises had failed. Attempts by President Herbert Hoover to rejuvenate the economy failed, and in 1932 Franklin Roosevelt took office and began a series of reforms. Federal subsidies and credit for farm relief were extended, federal loans for housing, hard-pressed businesses, roads and bridges were implemented and federal money became available for public works and unemployment relief. In addition, the Tennessee Valley Authority and the Civilian Conservation Corps were created to meet the emergency.

Slowly the country began to recover its economic composure. Roosevelt was re-elected in 1936 amid war rumblings on the European continent. Domestic and world depression by 1936 was subsiding and attention was focused on Europe where, in 1939, Germany invaded Poland. With Roosevelt at the helm in 1940, after an unprecedented third election victory, the United States attempted to remain neutral but eventually enacted passage of the Lend-Lease Act. In 1941 the country joined the allies and the home front switched to full-time war production. Production records were broken, and laborers, farmers, businessmen and investors enjoyed unprecedented prosperity, even though the national debt soared to over $250 billion. With the death of Roosevelt in 1945 and the termination of hostilities, a new president, Harry Truman, ascended to the executive branch of government. Production was two and a half times what it had been in 1929 and Truman attempted to continue its growth. He quickly terminated most wartime price controls, and production, employment, income and profits reached high levels from 1946 to 1949. Attempts were made to enact more social legislation but they were doomed to failure due to a Congress that was opposed to more federal involvement in the private sector, and the administration had to content itself with maintaining the social legislation policies of

Roosevelt in the face of continued attempts by Congress to retract many of the previous programs.

In 1948 Truman won an upset victory over Dewey and spent the rest of this period addressing the new problems of inflation, a slight recession, the national debt, and the onset of the Cold War and Korean War, which triggered the issue of internal security.

Internationally

America's international policy during the 1920s was primarily rooted in the principle of isolationism as depicted in her absence from the League of Nations. In addition to political isolationism, there emerged an economic isolationism in the form of tariff barriers, climaxing in the 1928 Smoot-Hawley Tariff: "These Tariffs not only closed the American market to the products of European farms and factories but led to retaliatory tariffs which closed European markets to American goods."[1] Even the 1929 stock market crash and ensuing world-wide depression did not swerve the country from her isolationist course. The United States decided to "go it alone."

The thirties were represented by slow world-wide recovery and the rise of totalitarianism. Already in the early part of the decade, the clouds of world war were building. In the Far East Japanese forces invaded Manchuria in 1931, thereby initiating a conflict that would not end until the use of the dreaded atomic bomb, while in Europe Mussolini unleashed his forces upon Ethiopia in 1935, followed shortly thereafter by the European offensive of Hitler's Third Reich, engulfing Europe in war until 1946.

Through all these invasions the United States attempted to maintain a policy of neutrality in hopes of non-involvement. This policy ended in 1940 when economic aid was furnished the Allies through lend-lease, and one year later the United States became directly involved when attacked by Japan at Pearl Harbor. At the close of the war the United States emerged practically unscathed economically as the reigning world power with, for the first time, atomic military capability.

America's isolationist policies were set aside and she became totally involved internationally, which significantly included her chartership in the United Nations. In 1946 Winston Churchill made his famous "Iron Curtain" speech, and by 1947 the United States was squared off against Communist ideology in what came to be known as the "Cold War."

Driven by fears of a Communist takeover in Greece and Turkey, Truman issued, in 1947, his famous "Truman Doctrine" which stated that nations who were striving to maintain their independence and were combating efforts at control by armed totalitarian minorities would receive military and economic aid from the United States. At the same time, rising from the destruction of World War II to confront the United States as a representative of the Communist movement was the Soviet Union with her own atomic capability. The result was to throw the world into two conflicting ideological camps which were to dominate the world through the sixties--alliances were once again formed.

American Federal Government

While the United States was withdrawing internationally into a practice of isolationism during the 1920s, so too did the federal government withdraw from involvement in business, with the result that once again business began to shape most government policies. The general feeling was that government should be directed more along the lines of the pre-Roosevelt era.

> This was not, as is sometimes supposed, pure laissez-faire, but rather a felicitous combination of two policies--one, freedom and private enterprise from government restraint, and the other, generous subsidies to private enterprise.[2]

Although business did not want direct federal intervention with controls, subsidization by the government was welcomed and during the twenties generous federal subsidies were granted to merchant marine and airline companies carrying United States mail. Likewise the railroads, which had been operated by the government with great success during World War I, were returned to private owners on generous terms. To all appearances the enforcement of the Sherman and Clayton Antitrust Acts was practically suspended as the executive and judicial branches of government took the position that they were not called upon to repeal economic laws. Even the continuance of federal construction and operation of hydroelectric plants undertaken by the government during World War I was vetoed by President Coolidge in 1928 after passage by Congress. Thus the government's role was relegated to a strict interpretation of the Constitution.

> . . . the states were presumed to have jurisdiction over almost all matters of a social character. The hours and wages of labor, the conditions of factory work, and the welfare of women and children, prisons, reform schools and charitable institutions, education, the suffrage, municipal government--all of these things were matters of state, not federal, concern.[3]

There was no noticeable change in 1928 when Herbert Hoover became president. Even when the crash hit in 1929, the basic belief was that relief was exclusively the concern of private charity and of local governments. As the Depression spread, this attitude changed and the federal government ventured forward, with some hesitation, into some public programs. Public roads, buildings, and airports were constructed, together with a $300 million appropriation for farm loans. In addition, the Glass-Steagall Act was passed which enlarged the credit facilities of the Federal Reserve System, and the Reconstruction Finance Corporation was created which had two billion dollars to lend banks, railroads, insurance companies and industrial concerns. In spite of these considerable steps toward federal involvement in what previously had been considered a private sector, Hoover, like his predecessor, again vetoed legislation passed by Congress which would have involved the federal government in the construction and operation of hydroelectric plants.

> I am firmly opposed to the government entering into any business the major purpose of which is deliberate competition with our citizens . . . It is destructive of equality of opportunity of our people; it is the negation of the ideals upon which our civilization has been based . . . I hesitate to contemplate the future of our institutions, of our citizenry, if the preoccupation of its officials is to be no longer the promotion of justice and equal opportunity but is devoted to barter in the markets. That is not liberalism, it is degeneration.[4]

Hoover's attempts to stem the onslaught of the Depression failed and resulted in the election in 1932 of Franklin Roosevelt as president.

With Roosevelt as president a change in attitude toward federal involvement in what, up to that period, had been termed private areas of responsibility occurred.

> The pernicious notion that there was some inevitable conflict between man and the state had long embarrassed American politics. Distrust of government, inherited from the revolutionary era, approved by Jefferson, endowed with perverse rationalization by

> Herbert Spencer, gave way at last to the realization that the government was man organized politically, and that vigilance--still the price of liberty--was not synonymous with paralysis. The "necessary evil" of Thomas Paine had become so necessary that it was no longer an evil.[5]

Facing Roosevelt was the problem of just how much government involvement was necessary.

> The fact was that Roosevelt and most of his contemporaries . . . were basically conservative men who unquestioningly believed in the American free enterprise system. On the whole, they were suspicious of strong government and would indulge in it only as a last resort to try to save the system . . . On the other hand, part of their Progressive legacy was also a humanitarian belief in social justice. This belief would lead them to espouse reforms to improve the lot of the common man, even though those reforms might also take them in the direction of additional government regulation.[6]

Believing action the best remedy, Roosevelt (partly due to his overwhelming public support) pushed through Congress a wide variety of social legislation. As a result, the federal government granted loans to hard-pressed businesses, spent money on public works, offered federal loans for housing, roads and bridges, instituted unemployment relief and social security, originated the Civilian Conservation Corps, gave sponsorship to writers projects, theatres, concerts, and the decoration of public buildings, closed and then opened banks under careful supervision, gave farm credit, began to own and operate hydroelectric dams, and sponsored labor legislation which would allow bargaining unions for workers. Although many of the so-called innovative programs had been introduced by others earlier, it took a crisis at hand and the popularity of Roosevelt as a forceful leader to change attitudes into acceptance of the federal government as a social welfare agency. Despite this, all was not a bed of roses. Critics denounced the New Deal, equating leadership to dictatorship, government regulation to regimentation, the welfare state to socialism, and every expansion of political enterprise or authority as a calculated defiance of the framers of the Constitution.[7]

Roosevelt's beliefs on government involvement in the private sector was that everything should be done to make sure that the free enterprise system remained as undisturbed as possible. For example, the newly created Tennessee Valley Authority had complete government sponsorship but allowed private enterprise flexibility and initiative. "It was socialization, but socialization that prospered rather than impaired private industry."[8] In the end Roosevelt succeeded in his efforts. The New Deal changed the role of government in American society, however ". . . it took a national catastrophe to justify and a bold administration to attempt that change, and it was effected only over the determined opposition of the Supreme Court."[9]

As might be expected, the advent of World War II brought most of American society under the sphere of the federal government. Areas such as farming, mining, manufacturing, transportation, finance, communication, education and science were, to some degree, brought under government controls. The American people themselves responded positively to this time of war-time control as it was acceded that such control was a necessary evil. At the termination of the war, the federal government returned to private enterprise those programs which were under its war-time control. President Truman's attempts at more New Deal-type legislation were throttled as Congress condemned requests for support of farm income through production payments and a national health plan as socialistic. Congress, however, did enlarge the federal effort in low-income public housing, slum clearance, soil conservation, public power, flood control, and rural electrification, while at the same time rejecting Truman's request for federal aid to education.[10] During the time that Truman attempted to maintain New Deal programs, the structure of the federal government increased and additional agencies were created, such as the Central Intelligence Agency, the National Security Council, and the Atomic Energy Commission. Also involving the federal government financially at this time was the mammoth reconstruction of Western Europe through the United States-sponsored Marshall Plan.

By the end of 1949 the federal government's role in the private sector of America was active, although not to the extent that had occurred during the period of the New Deal, and no longer would the federal government fall back to the pre-New Deal policies of "the Least Governed the Better."

American Sport 1920-1949

The period from 1920 to 1930 has historically been called "The Golden Age of Sport."

> It was an age of champions, of extraordinary events and superb performances, an age of public idolatry and fabulous purses. Never before, nor since, has there been such a concentration of athletic genius in so many fields of sports.[11]

While Durant and Bettman may be overstating the environment, sport was a focus of American public attention in the twenties. Numerous sports were popular during this time, but the greatest emphasis from a participant-spectator viewpoint centered on baseball, football, boxing, golf, tennis, polo, swimming, track and field, and turf. Sportscasters and sportswriters emphasized the popularity of sports so much that there soon arose a sport hero-following public. Practically every sport had its own hero. Chief among them were baseball's Babe Ruth and Lou Gherig, football's Red Grange, golf's Bobby Jones and Glenna Collett, racing's Man O'War; Johnny Weismuller and Gertrude Ederle in swimming, and Jack Tilden and Helen Wills in tennis.

On the college campus, male-oriented sports were the most popular and the most widely publicized. Football was king as huge amounts of dollars were spent on large stadiums--so much so that by 1930 college football attendance had reached ten million. Concurrently, recruiting and scholarships had also risen, bringing with it numerous problems. In 1926 the National Collegiate Athletic Association requested a survey of college athletics by the Carnegie Foundation. Their report of 1929, while outlining the problems and pointing toward needed reforms, resulted in few changes in the policies which governed men's collegiate sport.

Woman on campuses slowly became involved in various aspects of sport during the twenties. Instead of developing intensive interschool competitions like their male counterparts, organized play-days were promoted with an emphasis on total participation. At the same time, intramurals for both sexes on campuses across the nation were organized and directors were hired to run a multitude of activities. Socially, sport became a focus of campus life as homecomings and various football bowl games became the center around which social life on the campus revolved.

On the high school campus athletic activity blossomed as the male programs mirrored their college counterparts, with the exception of recruitment and scholarships. State high school associations emerged to govern athletics, and by 1925 every state had its own association with a movement underway to create a national high school athletic federation.

In the area of physical education, social values and good citizenship were added to health as values to be derived from the program. Older gymnastic systems declined in popularity at both the collegiate and high school levels, and a shift to the educational objectives of sports, games, athletics and rhythmic activities took place.[12] Physical education, especially at the high school level, became a part of general education. New gymnasiums and outdoor facilities were erected during the twenties and a trend developed for each state to appoint a state director of physical education. By 1930 twenty-two states had their own such directors.[13]

Off-campus the public was also involving itself in sport, both as participants and spectators. Bowling had become quite popular, and during the decade of the twenties municipal golf courses increased from 70 to 543.[14] At the same time, access to the automobile and interest in sport generated by the newspaper and radio created a public equally concerned with spectating.

Besides collegiate sport, the popularity of professional sport was likewise gaining in spectator interest far beyond the traditional areas of horse-racing, baseball and boxing. In 1921 professional football made its debut, followed in 1924 by the first American entry into the area of professional hockey. Baseball, while taking a slight drop in popularity early in the decade because of a scandal, gained in popularity and stood above all others as the nation's pastime by the end of the 1920s. On the international level, the United States increased its participation in athletic contests with other nations while continuing its Olympic dominance.

Although the Depression affected all areas of life during the thirties, its impact on sport was not as great as it was on other areas of American life. Viewing amateur and professional athletic contests continued at a steady rate after a short decline early in the decade. With unemployment a major problem, leisure time was often filled by recreational activities. The federal government contributed to leisure resources by the establishment of work projects through which 3,026 athletic fields, 2,261 horseshoe courts, 1,817 handball courts, 805 swimming pools, 318 ski trails and 254 golf courses were built.[15] Also, increasing interest in sport in the United States was the holding of the 1932 Winter Olympic games at Lake Placid, New York (which heightened interest in downhill skiing) and the 1932 Summer Olympics held in Los Angeles.

Thus, by 1940, with the average worker having one more day of leisure plus paid vacations, and with more facilities and organized teams available, the opportunities for involvement in sport were greater than ever before.

Physical education likewise made many changes. The Depression forced the profession to orient its program toward more of a preparation for leisure-time experience. Also, testing and emphasis on physical fitness began and this aspect intensified as war once again drew near, and remained of central importance to physical education through the decade of the forties. During this time the profession saw itself drawing closer and closer to the general aims of education and, as a result, became more and more recognized in educational centers. By 1949 forty-one states had laws requiring physical education in high schools.[16]

With the advent of United States involvement in World War II, the quality of male sport--both on the college campus and in the professional ranks--declined due to the loss of men to the war effort. Programs on the college campuses and in professional ranks did continue, but not at the previous level of quality. The decline in these programs, however, meant an improvement in the military sport programs as sport was used as a conditioner and morale builder. In some professional sports, players were not drafted. This was especially true of baseball as it was felt that the players could offer more for morale purposes by playing rather than serving in the military, although many did serve.

As World War II came to a climax, colleges and high schools resumed their pre-war athletic practices at the same high-skill level and with a similar pre-war following. College football, although steadily rising, did receive an attendance setback in 1949 due primarily to unlimited televising of games. However, this was rectified when the National Collegiate Athletic Association instituted strict limitations on television coverage, thus ensuring a return to greater attendance and gate receipts. Meanwhile the athletic programs for both males and females on the campus continued in their pre-war pattern.

Internationally the United States returned to dominate the Olympic games, reinstituted after a twelve-year absence, in London in 1948. Professional sport, likewise, emerged from the war bigger and more popular than ever, ready to flex its muscles with the advent of television, not knowing the boom that was to occur in the next two decades.

CHAPTER III

Footnotes

[1] Allen Nevins and Henry Steel Commager, America: The Story of a Free People (Boston: Little, Brown and Co., 1942), p. 416.

[2] Ibid., p. 417.

[3] Ibid., p. 364.

[4] Ibid., quote from Herbert Hoover, p. 418.

[5] Henry Steel Commager, The American Mind (New York: Bantam, 1970), p. 346.

[6] Frank Freidal, "The New Deal in Historical Perspective," American Historical Association, in American History Since 1865 II, ed. Abraham Eisenstadt (New York: Thomas Y. Crowell Co., 1962), pp. 353-54.

[7] Commager, The American Mind, p. 362.

[8] Ibid., p. 353.

[9] Nevins and Commager, America, p. 364.

[10] John M. Blum, Edmund S. Morgon, Willie Lee Rose, Arthur M. Schlessinger, Jr., Kenneth M. Stampp, and C. Vann Woodward, The National Experience (New York: Harcourt, Brace, Jovanovich, 1973), p. 721.

[11] John Durant and Otto Bettman, Pictorial History of American Sports (New York: R. S. Barnes & Co., 1952), p. 150.

[12] Deobold Van Dalen and Bruce L. Bennett, A World History of Physical Education (Englewood Cliffs, New Jersey: Prentice-Hall, 1971), p. 433.

[13] Ibid.

[14] Ibid., p. 455.

[15] Robert H. Boyle, "Bizarre History of American Sport," in Sport and American Society, ed. George Sage (Menlo Park, Calif.: Addison-Wesley, 1970), p. 51.

[16] Van Dalen and Bennett, World History, p. 481.

CHAPTER IV

FEDERAL INVOLVEMENT IN SPORT

1920-1949

From 1920 to 1949 the preoccupation of the federal government with reference to sport concerned promotional matters rather than protective ones, although an important judicial decision aimed at the protection of one specific sport did occur. In the main, however, involvement emphasized promotion in three areas: for the welfare of the citizen, for American interests and foreign policy objectives, and for sport itself.

Federal Involvement to Protect the Public

Unlike the previous period, the aspect of protection of the public from the abuses of prize fighting was not of topical interest to the federal government during the period 1920-1949, except for its use as a catalyst to attempt passage of a soldiers bonus bill in 1921. This was in reference to H.J. Res. 152 of that year, which provided that there would be no prize fight in the United States for the world championship until after a soldiers bonus bill was passed. An unsuccessful attempt was also made in Congress in 1933 to ban professional prize fights, but the ill-fated bill (H.R. 6292) pertained only to the District of Columbia.

Horse Racing Tax

The only other instance which can be classified within the conceptual framework of protection of the public focused upon attempts to tax horse racing in such a way as to benefit the public coffers. H.R. 176 and H.R. 12979 were introduced in 1936 and called for a license tax of five percent of all monies paid upon wagers made on horse races. Eight years later similar legislation was attempted by Congressman Dickstein. In the end, all efforts in this area failed to come to fruition and no other federal action in the area of protection of the public was forthcoming.

Federal Involvement to Protect the Athlete

Federal involvement in sport to protect the athlete first made its appearance during this period and was a topic which was to play a much greater role in future years as sport began to expand and become more stringently organized. Even though the two legislative attempts pertaining to this aspect failed passage, the groundwork was laid for future federal concern for the athlete.

Discrimination in Baseball

H.J. Res. 173 of April, 1945 was the first legislative attempt in this area for protection of the athlete and was an attempt to investigate racial discrimination in one aspect of American society: sport. This resolution called for the investigation by the Secretary of Commerce of the employment policies and practices of the National and American League baseball clubs. The main purpose was to determine the extent of discrimination in the employment of baseball players because of race, color, or creed.

The second instance of federal involvement to protect the athlete took place in June of 1945 and concerned professional baseball players returning from the second world war disabled or handicapped. There was a feeling among some congressmen that many of these baseball players were being discriminated against by clubs because they could no longer play at their pre-war ability, or often were never even considered by professional clubs. Senator Longer introduced S. 1107, which provided that at least 10 percent of the players on each major league baseball team would have to be individuals who had lost one or more limbs. In introducing the bill, Senator Longer reasoned that baseball, and the subject of disabled players, should be brought before Congress.

> It is my belief that baseball, under the laws of this country, is interstate commerce, and as such we have a right to regulate it. The reason Lieutenant Shepard is not playing is likely because the management of the Washington group must feel that his temporary opponent has an advantage. But, if the opposing team also had a one-legged pitcher there would be no advantage.[1]

In both cases, these legislative efforts ended in defeat as the federal government involved itself in areas other than the protection of the athlete.

Federal Involvement to Protect Sport

Antitrust Exemption for Baseball

Only one instance occurred during this period in which the federal government protected sport and this involved the judicial branch of the government. In 1922 the Supreme Court encountered for the first time a case solely having to do with sport, and the decision which it rendered affected not only professional baseball for years to come, but other professional sports as well.

There had been an unsuccessful attempt in Congress as early as 1912 (H.R. 450) to investigate baseball and its purported monopolistic practices. The subject came up again in 1922, but this time outside Congress, when the newly created Federal League of Professional Baseball Clubs brought suit against the National Baseball League, alleging that the National League had destroyed the new league by purchasing some of the clubs in the Federal League and inducing all the clubs, with the exception of the one bringing suit, to leave the Federal League.

The question to be answered in order for damages to be claimed by the Federal League was whether or not professional baseball came under the Sherman Antitrust Act or, more precisely, whether professional baseball was a form of interstate commerce. If so, then federal laws dealing with monopolies and trusts could be applied to the sport, which at that time was basically the only justification for the federal government becoming involved in matters felt to be within the jurisdiction of the individual states.

While acknowledging that professional baseball clubs did play for money and did cross interstate lines, the Supreme Court held that this was in itself not grounds for professional baseball to fall under the antitrust laws. Justice Oliver Wendell Holmes delivered the opinion of the court.

> It is true that, in order to attain for these exhibitions the great popularity that they have achieved, competitions must be arranged between clubs from different cities and states. But the fact that in order to give the exhibitions the Leagues must induce free persons to cross state lines and must arrange to pay for their doing so is not enough to change the character of the business.[2]

Holmes decided that the transport of baseball teams across state lines was merely an incident, not the essential factor, and that although baseball games were played for money, they could not be called trade or commerce in the commonly accepted use of those words. Personal effort not related to production was not a subject of commerce and thus outside the antitrust laws.[3]

What the courts were telling baseball, in effect, was that it was not subject to federal regulations concerning business practices, and was simply subject to local state laws. In essence, baseball provided its own governing body, a truly enviable position from a business standpoint, and a position it was to continue to enjoy. Thus, the federal government in actuality protected the national sport of baseball from antitrust actions, enabling it to continue on its own self-governing course.

Federal Involvement to Protect the Public and Sport

False Representation of Sport

Efforts to protect the public and sport at this time revolved around the falsification of sport as it related to sport broadcasts, terminology and representation. One instance occurred in 1936 when a case of piracy of World Series baseball games came before the Federal Communications Commission, at which time a radio station (WOCL) was accused of making an unauthorized broadcast of the 1934 World Series. After listening to the authorized broadcast, Station WOCL had broadcast its own running account of the game, even going so far as to use sound effects. A charge of "piracy of materials" was made against the station and the question came before the Federal Communications Commission whether or not to renew the license of the radio station (WOCL). As it turned out, the license was granted because the infraction had occurred only once.[4] As a result, it would seem that from this incident the integrity of future public baseball broadcasts was ensured.

In 1942 two legislative attempts were made to protect the public and sport from false representation. The first was the introduction of S. 1518 and its sister bill in the House, H.R. 4471, which attempted

> . . . to prohibit the use of the mails or other channels of interstate or foreign commerce for the delivery or transmission of any advertisement, solicitation, statement, or other communication wherein the word "Olympic" or any of its derivatives is used in such a manner as is likely to deceive the public.[5]

A second and similar bill, S. 1519, was introduced later the same year, but it called for the prohibition of the use of

> The mails or other channels of interstate or foreign Commerce for the delivery, transportation . . . or transmission of any tickets, advertisements, solicitations, statements, or other communications containing false statements or representations as to the amateur character of an event, competition, or spectacle, for the purpose of selling tickets of admission to or raising funds for the support of such event, competition, or spectacle.[6]

Both, of course, dealt with amateur athletics and attempted not only to protect that area of sport, but to protect the public from misrepresentations by entrepreneurs. Like so many other bills, both met with inaction on the part of Congress and died in their committees, and the decade of the forties ended with no further federal involvement in the protection of the public and sport.

Federal Involvement to Protect the Public, the Athlete and Sport

Legislative inaction was also the rule for the protection of the public, the athlete and sport as efforts centered around two areas: investigating baseball monopolies, and gambling and "fixing" in sports events.

Investigation - Baseball Monopolies

Just as there was an unsuccessful call in 1912 (H.R. 450) to investigate the professional baseball monopoly, so too was there an attempt during this period to do the same with the introduction of ill-fated H.R. 264 in 1937. Interestingly, this resolution was introduced sixteen years after the Supreme Court had ruled that baseball did not come under the existing antitrust laws; therefore, it seems that not all were accepting the 1922 decision as final.

Gambling and Fixing Sports Events

The area which attracted more intensive interest during this period was that of gambling and the fixing of sports events, especially in 1947 when numerous reports of gambling and fixing of collegiate football and basketball and minor league baseball games came to public attention. This resulted in various congressional attempts to eliminate such practices. In that year S. Res. 66 was introduced by Senators Johnson and Mahonney to "investigate the alleged invasion of organized sports by professional gamblers," and Congressman Herbert introduced H.R. 879 to punish bribery in connection with interstate athletic competition. These attempts, along with a duplicate bill by Congressman Herbert in 1949 (H.R. 849), were unsuccessful.

Possibly influencing the failure of such attempts, at least as it pertained to professional baseball, was a speech delivered by the commissioner of baseball, Happy Chandler, at the annual meeting of the American League of Professional Baseball Clubs in January, 1947, the year during which much of the legislation was introduced. In his address Chandler outlined the situation for the owners.

> All of you gentlemen are aware of the menace of gambling which hangs ominously over the heads of sports people all over this country. . . . Now, you will be opportuned to sponsor or approve Federal legislation. Congressmen, conscious of the fact that the people have had their faith shaken in football and in basketball in college sports and in baseball in the minor leagues, will be seeking to make opportunity and capital out of it by proposing laws and resolutions.[7]

He then proposed that the baseball owners should not sponsor or consider federal legislation because the possibility existed that baseball would be declared interstate commerce, liable to antitrust legislation, which would open the way for federal government regulation of professional baseball.[8]

Thus the Jeffersonian idea (of less involvement by the federal sector into matters considered to be private) continued, at least as it pertained to professional baseball. On the other hand, the underlying motives which prompted members of the baseball fraternity to oppose government involvement might have been more related to self-interest or self-preservation than a fear of federal government intervention per se.

Federal Involvement to Promote Sport for Sport Itself

The promotion of sport by the federal government that had implications for sport or for sport organizations during the period of 1920 to 1949 concerned itself with several dimensions, one of which was quite significant inasmuch as it reversed previous government legislation on sport.

Repeal of Restrictions on Prize Fight Film

In 1922 attempts began in Congress to amend Public Law 246, passed in 1912, which prohibited the importation of prize fight film. The underlying rationale was embedded in a felt need to relax some of the more restrictive regulations which controlled the importation of prize fight films. The first attempt (H.R. 10291) and a similar one in 1924 (S. 2734) met with inaction in Congress. Nonetheless, by 1928 constituent pressure to entirely repeal the law had mounted, due largely to the fact that the law had not been enforced to any great extent by local officials. Motion pictures of various boxing contests, both amateur and professional, were being shown in most states without sanctions being applied to the offenders.

Nine bills were introduced in 1928 to repeal the law[9] and these were followed by four more in 1929,[10] three in 1932,[11] one each in 1933[12] and 1934,[13] three in 1935,[14] and one in 1938.[15] Finally, in 1939 hearings were held in the Senate on S. 2047, a bill designed to repeal the law. In a letter to the Senate hearings, Frank Gilleece, Executive Secretary for the State of Kansas Athletic Commission, filled in some of the background on the passage of the original bill in 1912 and his own feelings on the matter.

> The present law barring transportation of all films showing boxing exhibitions was passed in order to minimize the possibility of racial trouble after a colored boxer had won the heavyweight championship from a white boxer. No doubt the actions of the colored champion in his personal life and his efforts to establish himself as an equal, socially, of the white race had more to do with the racial feeling that arose at that time than did the actual winning of the boxing championship. There can be no comparison between the actions of the champion of that day and the present champion [Joe Louis]. Today's champion has shown no desire to set himself as a social equal of the white

> race but is satisfied to enjoy the companionship, the advice, and business counsel of his own race.[16]

At the hearings another subject came up, that of racketeering in the professional fight game. Senator Johnson of Colorado, in stating his positive feelings for S. 2047, attached a rider in the form of a warning of government intervention if boxing failed to clean house.

> It has become more of a racket than anything else, and I think that the fighting fraternity ought to be warned by the Congress now that while we are glad to repeal this law, because we think it should be repealed, yet at the same time unless they clean house, with professional boxing, Congress or somebody is going to have to step in and clean it for them. Congress does not want to do that, and hopes that they will do it themselves.[17]

In its report on the hearings, the Senate likewise gave the background as to why the original bill was passed.

> The Congress of the United States recognizing the tremendous surge of public opinion which resulted in the victory of colored Jack Johnson over Jim Jeffries, enacted legislation prohibiting the interstate transportation of films or pictorial representations. No witness at the hearings, and there were some 25, indicated that the above legislation was based on anything but a then-prevalent racial feeling.[18]

The report went on to endorse passage of S. 2047, noting that no racial basis existed to warrant continuance of the law and that no witnesses opposed to the bill had appeared at the hearings.[19] Action on the bill took place in 1940 with the passage of Public Law 673 in which prize fight film was

> . . . divested of its character as a subject of interstate or foreign commerce to the extent that it shall upon crossing the boundary of such State, Territory, or possession, be subject to the operation and effect of the laws of such State, Territory, or possession enacted in the exercise of its police power.[20]

On June 29, 1940 Public Law 246 was repealed.

Tax Exemption

During this period there also were attempts by organizations representing sport to obtain some method of tax exemptions, which in turn would result in a greater possibility for the athletic organization's success. One such organization was the American Olympic Association which attempted to have Congress omit the Olympic admissions tax for the 1932 Olympic games held in Los Angeles. Resolutions were offered in both the House (H.J. Res. 421) and the Senate (S.J. Res. 175) to amend a tax bill on this matter. In discussion on the floor of the House the idea met opposition from several fronts, one of which was Congressman Ragon.

> What we need is money, and if we are going to exempt this great sporting event, that will attract hundreds of thousands of people, then certainly we ought to be consistent and exempt the hundreds of thousands of people in this country that attend the football games, the baseball games, and the polo games, and especially athletic contests of the Naval Academy and the Military Academy, which are supported out of the Treasury of the United States.[21]

In spite of this, the resolution was unanimously approved by the Senate Finance Committee and was subsequently approved by the Senate, while in the House the going was much slower and the resolution died at the end of the session.

Similar exemptions were attempted after the Olympics in 1935, when the Olympic Games Committee found itself with revenue left over from the 1932 games. Under the Xth Olympiade Committee's charter it was illegal for the committee to maintain any revenue funds. Four bills (S. 2880, S. 3031, H.R. 8363 and H.R. 9026) were introduced to allow these monies to be free of federal taxes, provided they were donated to the State of California, the City of Los Angeles, and the

County of Los Angeles. These four attempts failed, but one year later two more bills (H.R. 11327 and S. 3410) were introduced. In its report, which urged passage, the House outlined the events leading up to the necessity for passage.

> The necessity of the bill arises from the fact that under a decision of the California Supreme Court, surplus money from the operation of the Olympic games belongs to the Xth Olympiade Committee. The members of this Committee have waived their rights to such surplus in favor of the State of California, City of Los Angeles, and the County of Los Angeles, which originally advanced funds to finance the Olympic games.[22]

Unlike the previous year, this time passage occurred as H.R. 11327 became Public Law 528.

Additional efforts were attempted to obtain tax exemptions during this period, but all failed to materialize. In 1933 the American Sokol Union attempted to obtain tax exemptions for admissions paid to the Second Gymnastic Festival, but H.J. Res. 180 failed to generate interest in Congress and died in the Committee on Ways and Means.

Tax exemption for sporting equipment was also considered by Congress in 1921 during discussion of an amendment to a revenue bill, but the idea was not popular and the amendment was not passed.[23]

Likewise, an attempt (S.J. Res. 143) to exempt customs duties on sports equipment brought into the country for the 1932 Olympic games met with inaction. In 1948 Congress, acting on the possibility that the 1956 Olympic games might be held in Detroit, passed H.R. 5933 (Public Law 540) to permit the temporary free importation of racing shells, the first such type legislation ever to be ratified by Congress.

Olympic Entry Permits

Federal promotion of the Olympic games also pertained to several other aspects during this time period. For example, the 1932 Olympic games received promotional input from Congress in 1932 when previous unsuccessful attempts (H.R. 35) of that year finally succeeded and H.J. Res. 72, exempting the need for alien Olympic participants to have passports, passed--becoming Public Resolution No. 1.

Extending Olympic Invitations

A more overt attempt by the federal government to promote sport began in 1947 when legislation (H. Conc. Res. 29) was introduced which extended an invitation to the International Olympic Committee to hold the 1952 Olympic games in the United States. Although such an invitation was nothing more than a gesture to influence the International Olympic Committee (since formal applications to host the games were accepted only from individual cities and not countries), and despite the fact that the legislation was unsuccessful, a precedent was established for the extension of future invitations by the federal government which, when passed, would be used as leverage to obtain federal financial assistance for future Olympic and Pan-American games held in the United States.

It did not take long for passage of an Olympic invitation to occur for, two years later--in 1949, Congress passed S.J. Res. 56 (Public Law 22) extending an invitation to the International Olympic Committee to hold the 1956 Olympic games in Detroit. In a letter to Senator Arthur H. Vandenberg, the mayor of Detroit outlined the reason for the federal government's aid in this matter.

> . . . Our Olympic International Committee feels that it would help our cause materially if our Federal Government would assist us to the extent of verifying our invitation to the Olympic world

> to come to Detroit for the celebration of the 1956 games. Our reason for believing this to be fact is because in most every other country of the world where there is an interest in the Olympic games, the national government exercises considerable influence and interest in the conduct of this activity.[24]

Possibly contemplating congressional inquiry as to what such an invitation would cost the federal government, Mayor Von Antwerp then proceeded to assure Senator Vandenberg that no such cost would occur.

> . . . we wish to assure you that it has never been the intention of anyone connected with the movement to bring the Olympic games to Detroit to seek financial aid or assistance from our Federal Government in order to accomplish this purpose. We wish to point this out in order that you may have no fear of a request for financial assistance coming from our organizing committee provided our Congress adopts a resolution inviting the athletes from the nations of the world to participate in the 1956 Olympic Games.[25]

While S.J. Res. 56 did pass, similar resolutions (S. Res. 1101 and S.J. Res. 76) extending an invitation to hold the 1956 Olympic Winter Games in Lake Placid, New York only got past the Senate that year and died.

Financial Assistance

As the federal government lent support verbally to the proposal that the Olympic games be held in the United States, it did not support the games financially, nor was it asked to do so. It was not that the American Olympic Fund was well off, as was evidenced by the annual report in 1936 of the President of the Amateur Athletic Union, Avery Brundage:

> While as usual the Olympic Fund was eventually raised, the American Olympic Committee had the same problem of financing that always presents itself in Olympic year. There is no reason why the athletic leaders of the country should have to beg publicly as they do every four years, for assistance to send our teams to the Games.[26]

Yet Brundage ruled out any thought of government help and stated emphatically that: "Amateur sport can and should support itself."[27]

The need for money and the position and attitude by amateur sport toward government financial assistance did not change through the rest of the period under study, nor does it seem that Congress changed its attitude toward government financial promotion of Olympic sport as was evidenced by an address to the Senate by Senator Bridges, in 1948, on Olympic fund-raising problems.

> My reason for calling the attention of the Senate and of the country to our Olympic teams today is that I have received word that they are without the financial support which is necessary if they are to go through as America's representatives in the first postwar Olympic games. . . . Financial backing for our Olympic teams is not the province of our Government. . . . The financial support for American participation in this finer phase of good neighbor relations must come from the American people.[28]

Congressional attempts to pass legislation which would have promoted sport for sport itself, through the direct infusion of funds, also failed during this period of study. Notable among these were two bills (H.R. 9797 in 1940, and H.R. 1613 in 1942) which again advocated the construction of a national stadium in Washington, D.C., and two joint resolutions (S.J. Res. 277 in 1923, and S.J. Res. 7 in 1924) to erect a monument honoring the national game of baseball. In both cases federal expenditures for sport continued to be practically nonexistent, a policy which generally was to continue into the future.

Sponsored Publicity

In 1939 an attempt was made in Congress to promote sport by declaring June 12, 1939 National Baseball Day. This attempt (H.J. Res. 148), while doomed to failure, was the beginning of a practice which was to become quite popular after 1950, in which the federal government would, through this manner, officially endorse or recognize an athletic group, activity, or individual.

Racing Restrictions Lifted

One sidelight to this entire topic of federal involvement to promote sport occurred in 1945, when the War Committee on Conventions of the Office of Defense Transportation lifted the ban on horse and dog racing which had been in effect during the war, thereby promoting a return by the public to one of the most popular spectator sports in America.

Federal Involvement to Promote the Welfare of the Citizen

Physical Education Legislation

During the period 1920-1949 emphasis was once again placed on passage of various types of congressional legislation dealing with physical education. Pressure had been exerted on Congress by the National Committee on Physical Education through its lobbying committee, the National Physical Education Service, to formulate some type of national physical education legislation in 1919, largely due to the poor fitness levels of American soldiers during World War I. This effort was no different in 1920 and when Congress began to debate the subject of compulsory military training, the National Committee on Physical Education felt the time was ideal for the introduction of a physical education proposal which they had been formulating.[29] In February, 1920 what was to be known as the Fess-Capper Physical Education Bill was introduced in Congress, in the House, as H.R. 12652 by Simeon Fess and in the Senate as S. 3950 by Arthur Capper.

> To provide for the promotion of physical education in the United States through cooperation with the States in the preparation and payment of supervisors and teachers of physical education, including medical examiners and school nurses, to appropriate money and regular its expenditures, and for other purposes.[30]

The bill outlined what the purpose and aim of physical education within the Act itself was:

> That the purpose and aim of physical education in the meaning of this Act shall be more fully and thoroughly to prepare the boys and girls of the Nation for the duties and responsibilities of citizenship through the development of bodily vigor and endurance, muscular strength and skill, bodily and mental poise, and such desirable moral and social qualities as courage, self-control, self-subordination, cooperation under leadership, and disciplined initiative.[31]

To accomplish these goals the bill called for far-reaching standards in health as well as physical training.

> The facilities for securing these ends shall be understood to include comprehensive course of physical training activities; periodical physical examination; correction of postural and other remediable defects; health supervision of schools and school children; practical instruction in the care of the body and in the principles of health; hygienic school life; sanitary school buildings, playgrounds, and athletic fields and the equipment thereof; and such other means as may be conducive to these purposes.[32]

Provisions were made for the creation of a division of physical education within the Bureau of Education of the Department of the Interior.

> . . . the Commissioner of Education, through the Division of Physical Education, shall from time to time make and publish uniform rules and regulations to aid the States in the organization and conduct of physical education in elementary, secondary, continuation and normal schools and in other States institutions in which teachers are prepared.[33]

Appropriations for the implementation of the program were to include ten million dollars for the fiscal year ending June 30, 1921, and for each subsequent year an amount sufficient to allot $1.00 per child of school age to each state accepting the provisions of the Act.[34] Likewise, the annual sum of $300,000 was to be available for the administration of the bill in the Bureau of Education, and an additional $200,000 was allocated to the Public Health Service to carry out their part of the program. Finally, the bill called for matching funds from the participating states.

Public hearings were held on S. 3950 on May 20-21, 1920 before the Senate Committee on Education and Labor, and on H.R. 12652 on February 8, 1921 before the House Committee on Education. In his opening remarks at the Senate hearing, the Honorable Congressman Fess outlined his reason for putting forth the bill.

> Mr. Chairman, my interest in the proposal was aroused by the startling facts revealed in the draft records when we undertook to build the army. There were official statements from men like General Wood that they found 75 percent or 80 percent of our men with physical defects. . . . I had no idea that such a situation existed among our young men; and it goes without saying that if that is true with them it would be also true with the young women.[35]

Senator Capper, in addressing the hearing, also noted the great number of military rejections in World War I and emphasized that universal physical education could

> . . . cut in half the time required for training a volunteer army to meet a national emergency [and that it would] more than cut in half the percentage of men rejected for military service.[36]

Care was taken by Senator Capper to emphasize that state's rights would be protected and to point out that such an idea had precedent in other similar congressional acts passed into law.

> In framing the bill the committee has kept in mind the dual aim of safeguarding State autonomy and insuring that the work done will measure up to reasonable minimum standards; no arbitrary authority is given to any Federal official or department. Federal authority is to administer only the explicit provisions of the

> Act. . . . The action proposed is justified constitutionally under the national defense and public welfare clauses. Precedent for such legislation exists in the Smith-Lever, Smith-Hughes Laws and also the Federal aid to highways included in the Post Office appropriation bill.[37]

Witnesses at the hearings numbered over fifty and represented various elements of American society ranging from doctors to physical educators to representatives of the Women's Christian Temperance movement. Opposition to the bill at both hearings mainly concerned the medical aspects of the bill in which examinations and correctional type programs were to be conducted by the federal government. Douglas L. Edmonds, attorney, representing the Public School Protective Leagues of California, Oregon and Washington, voiced a common opinion of the times as to what he felt the role of the school should be.

> . . . the public school is maintained as a convenience to and must always be subordinate to the home and that the moral and religious welfare and medical oversight of the child are primarily and fundamentally functions of the home that can not, in our democracy, be delegated to any other institution.[38]

Edmonds then proceeded to outline the main two objections of the bill.

> . . . first, that we do not believe that the Federal Government should undertake in any large way, such as this legislation contemplates, the examination of public school children. We do not believe that it is a proper Federal function to legislate for the promotion of physical education in the several States but that it is a matter strictly within the province of the State, to be determined by each State in accordance with local conditions and the desires of the citizens. In the second place . . . we believe that this bill as it is at present framed is more in the interest of compulsory medicine than it is of physical education and goes far beyond what the reasonable requirements of physical education demand.[39]

In spite of the fact that proponents outnumbered opponents at the hearings, no action was taken either by the Senate Committee on Education and Labor or by the House Committee on Education, and the bills both died in their respective committees at the end of the 66th Congress.

These were the only bills on physical education ever to gain a hearing in either chamber of Congress.

Unsuccessful attempts were made to develop a revised Fess-Capper bill in April of 1921, when H.R. 22 and S. 416 were introduced. The revised bills eliminated the controversial compulsory examination of school children and replaced the medical advisors with health supervisors. Enthusiasn had waned and little action ensued with regard to either bill. H.R. 22 was referred to the House Committee on Education and S. 416 was sent to the Senate Committee on Education and Labor, where each remained until the close of the 67th Congress.

Senator Capper introduced another revised version of his original physical education bill, S. 1409, in 1924:

> A bill to provide for the promotion of physical education in the United States through cooperation with the States in the preparation and payment of supervisors and teachers of physical education, and to appropriate money and regulate expenditures.[40]

No longer were there provisions for health supervisors and school nurses. Also, appropriations were reduced to five million for the year ending June 30, 1925, with the money appropriated in proportion to the population ranging in age from 6 to 16, a drop from the previous age limit of 18.

On the House side, an identical bill, H.R. 4800, was introduced by Congressman Bacon. Both revised bills were referred to their committees where, like the others, they lay dormant until the end of the session. Continued attempts with identical bills were made in 1924 by Bacon (H.R. 7450) and Capper (S. 2713) but again with no success, even though these newly revised bills contained no mention of appropriations.

The Fess-Capper-Bacon bills were dead and further attempts at legislation in this direction were temporarily shelved. Despite the fate of the Fess-Capper-Bacon bills, efforts continued through the 1920s to gain passage of national education legislation which would have within it provisions for departments of physical education. Attempts were made in 1921 by Congressman Fess (H.R. 583) and Senator Kenyon (S. 1607) to pass what was known as the Public Welfare Department Bill. This bill called for the creation of a federal division of education with one department designated for physical education. Similar unsuccessful attempts were made in 1923 with the introduction of the Sterling-Reed Education Bill (S. 1337 and S. 3923), and other bills in 1924 (H.R.9629 and S. 3445), and 1925 (S. 291 and H.R. 5000). By 1927, when similar education bills appeared, the sections devoted to physical education had been deleted from the provisions,[41] thus terminating a concerted effort on the part of a few interested and concerned individuals to provide mechanisms and programs which might positively affect the physical wellbeing of school children.

Possibly playing a large role behind the scenes during this decade was the National Physical Education Service. Early in 1922 President Harding, at the request of E. D. Caulkins of the National Physical Education Service, had held a White House meeting on physical education. The meeting commenced on May 8, 1922, with fifty-three representatives of physical education, sport, and related groups, and was highlighted by the presentation to President Harding of resolutions from the various organizations stating the need for universal physical education in the United States, supported by federal and state legislation.[42]

Legislative attempts in the area of physical education during the Depression-ridden thirties was seemingly at a standstill, but as the United States moved closer to war toward the end of the decade, a renewed effort to pass a national physical education bill--much like Fess and Capper's--began. In 1939 the American Association for Health, Physical Education and Recreation (AAHPER), anxious to have physical education included within a 1938 national health bill in hopes of contributing to national preparedness,[43] organized a lobby for physical education legislation similar to the National Physical Education Service lobby of 1919. The intent was

> . . . to bring to the attention of President Roosevelt and Congress the need of special allocation of funds to state departments of education . . . for the purpose of carrying on health, physical education, and recreation programs to the nation's schools.[44]

With the impending war looming ahead and a renewed interest by the public in physical education,[45] AAHPER began to draw up plans for a national physical education program, and in the summer of 1940 this idea came to the attention of Congressman Pius L. Schwert of New York. As a result of his interest, conferences were held with representatives of AAHPER, the New York State Education Department and the National Education Association,[46] which led to the introduction of H.R. 10606 on October 3, 1940, a bill

> . . . to promote national preparedness and the national welfare through appropriations of funds to assist the several States and Territories in making adequate provisions for health education, physical education and recreation in schools and school camps.[47]

Schwert's bill became known as the "National Preparedness Act of 1940 for Health Education, Physical Education, and Recreation in Schools and School Camps," and called for what were termed "adequate" provisions for health education, physical education, and recreation in schools and school camps within the various states, while emphasizing that there would be no control over the educational policies of states or localities.[48]

Appropriations were to be fifty million dollars for the fiscal year ending June 30, 1941, and this was to be increased yearly by ten million dollars until the end of fiscal year 1946, at which time total appropriations would have reached $100 million dollars, a sum which was subsequently to be allocated annually. Each state was to have an administrator who would set up the various programs such as health service, supervision, instruction and safety, physical fitness and activity, and recreation. In addition, money was allocated for the development of educational camps on the same graduated basis, from fifty million dollars ending June 30, 1941, increased yearly by ten million dollars to fiscal 1946, with $100 million dollars annually thereafter. Each state complying with the regulations was to be allocated sums according to the number of children within their respective states in the 5 to 20 year age group. A system of partial matching funds by the states was to enter during the fourth year (1944) of the program, but the federal government was to pay the total cost of the program for the first three years of its operation.

With reports as high as 40 percent draft rejections for the first million men examined in the early 1940s,[49] it seemed that the Schwert bill would generate congressional action. The bill failed! It died in the House Committee on Education, even though it had the support of several boards of education, the National Education Association, teachers organizations, and other groups such as the Elks and

American Legion. In his analysis of why the bill had failed, Albert Applin stated:

> The original bill, H.R. 10606, was the victim of poor timing. The bill was introduced in October, only two months prior to the adjournment of the 76th Congress. The framers of the bill in their inexperience neglected to consider the mood of Congress during the closing months of a session. They, also, exhibited their inexperience in legislative matters by choosing Representative Schwert to sponsor the bill. He was too young and inexperienced, himself. Finally, there was an absence of solidarity of support for the bill by those organizations and individuals that should have been most concerned with its passage. Leaders in the American Camping Association and Recreation were most vociferous in their objections to parts of the bill.[50]

One aspect of the bill which bothered the American Camping Association was the section which referred to the establishment and maintenance of camps. It seemed to them, from reading the bill, that the camps would be under the direction of the federal government: "The fear of camping leaders in general was that government youth camps would be created and used for military purposes as were the German youth camps."[51] These fears coupled with the continuous concern that the federal government should not become significantly involved in matters which normally fell within the jurisdiction of the various states or private organizations apparently were sufficient to ensure that the bill remain in committee.

On January 3, 1941 Schwert introduced a revised edition of H.R. 10606 with the hope that it would be acceptable to all sides. Schwert was concerned over public opposition to federal involvement and molded his bill along these lines. While the original bill had given final authority to the federal government to approve any state plan, the new bill (H.R. 1074) gave more autonomy to the state by making the commissioner responsible for communicating with the state over any changes or additions to the proposed program.[52] As Applin related, in analyzing the bill: "The leadership and direction was to come from the States, not the federal government. The purpose behind such changes was to make the bill more acceptable to both the States and the federal government."[53] The appropriations in the bill were basically the same as before, with specific provisions made for equitable facilities--not just to boys, as the first bill had provided, but to girls as well. Also included were classes for the handicapped, and standards and certifications for the handicapped programs. In the end, however, the revised bill was a compromise to all interested parties and, as such, received little endorsement from any group.

> Further, the revised bill ran into opposition from those who were against any Federal aid to education. Although the bill was sanctioned by the NEA, there were those in and out of education who felt that Federal aid meant Federal control, and that Federal control was to be avoided at all costs. The revised bill suffered from the same lack of experience on the part of the framers as had the original bill. The framers had failed to build solid support for the bill prior to introduction, naively thinking that any bill which fulfilled a need would automatically receive substantial support.[54]

H.R. 1074 was referred to committee on March 12, 1941, and the subsequent death of Schwert that year added to the improbability of the bill's passage. In addition, the American Camping Association remained opposed to the revised edition.

> It was the fear of the ACA members voting against support that the bill would give the Federal Government a chance to regulate camps by the use of "earmarked" federal funds as the Government had done with the Smith-Hughes appropriations to vocational education.[55]

The revised bill was also adversely affected by an alternative program offered by the Office of Civilian Defense called the "Hale America" program, which will be discussed in a later section. In the end, the bill failed to gain substantive support and died in committee.

In looking at the causes of the failure of H.R. 1074, Applin concluded that

> . . . even though the bill had been revised to remove all the objectionable features of the original bill, H.R. 10606, opposition still arose. Within the profession, camping failed to endorse the bill while education continued on a mixed basis, some supporting and some not supporting legislation. There were other forces working in the country at the time which thwarted attempts at legislation for national preparedness on the grounds that the road of neutrality was the United States' only safe course.[56]

Also negatively affecting the bill's passage was the fact that the Amateur Athletic Union and the American Legion were sponsoring their respective fitness programs, while President Roosevelt was concentrating on his own "Hale America" program.

It was not until 1945 that another bill, similar in many respects to Congressman Schwert's H.R. 1074, was introduced in Congress. H.R. 3055, proposed by Congressman Landis, called for the promotion of

> . . . national preparedness and the national welfare by providing funds to assist the several States and Territories in making adequate provisions, through the public schools for physical education, educational health service, wider recreational use of school facilities, and vocational guidance.[57]

Gone was the negative element in the bill concerning camps, but gone also was the war which had spurred demands for such a bill. With such faltering interest, the bill lay in the Committee on Education until the end of the session when it died.

In summing up both bills and their failure to even move out of committee, Applin concluded that the dominant factor adversely affecting passage of both bills was fractionalization of effort on the part of those who should have presented a unified front to gain passage of the bills.[58]

Hale America Program

During the period that the Schwert bills were active in Congress, the federal government--with the encouragement of President Franklin Roosevelt--was organizing its own physical fitness program. Although Roosevelt had designated John B. Kelly as National Director of Physical Training in 1940, the position really meant nothing until the President signed Executive Order 8757 on May 20, 1941, which created the Office of Civilian Defense. John Kelly was then appointed, by the Director of Civilian Defense, as Assistant U.S. Director of Civilian Defense in Charge of Physical Fitness.[59]

An Advisory Board for Physical Fitness was established which embraced thirteen organizations concerned with physical fitness, including such groups as AAHPER and the NCAA. The advisory board was a volunteer effort with only transportation expenses borne by the federal government, but its central goal was the promotion of physical fitness and it acted as a type of clearing house, recommending to those groups interested, ways to develop a civilian program, especially with respect to the schools.[60] Draft findings, which specified the rate of rejections as a consequence of physically related problems, were publicized through literature and public rallies, with the result that physical fitness was promoted through schools, industrial organizations, clubs and recreational groups.[61] This program grew to be known as the Hale America Program and while it was federally designed, the actual implementation of the program was left up to local communities.

Overshadowing the "Hale America" program was another fitness program originated by Franklin Roosevelt on February 26, 1942, when he approved the inclusion of a Division of Physical Fitness within the

Office of Defense, Health and Welfare Services. John B. Kelly again was tapped for a leading role, this time as assistant director in charge of the Division of Physical Fitness.[62] The central objectives of the new Division of Physical Fitness were to promote interest among Americans in health and fitness, and to create programs that would help to meet the needs of Americans in these areas.[63] To this end Kelly's program consisted of medical examinations for physical defects, nutrition information, the development of exercises and games aimed at increasing physical fitness, recreation, relaxation and rest.[64]

At hearings in 1943 on the physical fitness of the populace, Col. Leonard G. Rowntree, Chief of Medical Division of Selective Service System, outlined some of the achievements of Kelly's committee.

> This Committee has worked assiduously in the field and from its national headquarters in Washington, to educate the public concerning the present situation and to indoctrinate the people with a consciousness of the national need for conditioning. The Committee has published many brochures and has aided many groups here and there in every State in the Union to set up the machinery whereby physical fitness may be attained. In the brief space of a year, it has interested many national leaders and has harnessed together the interest and efforts of more than 150 national organizations that were in contact intimately in one way or another with the problem of fitness.[65]

The Committee did not last long.

In April, 1943 the Office of Defense, Health and Welfare Services was abolished by President Roosevelt, and on April 29 Administrative Order No. 42 established the Committee on Physical Fitness under the Federal Security Agency whose functions were to:

> 1. Define and study problems relating to the promotion of physical fitness, in cooperation with national agencies and organizations, and encourage the development of cooperative programs for their solution.
>
> 2. Serve as a center for the stimulation of State, district, and local programs for the promotion of physical fitness.

> 3. Make available to States, localities, and organizations and agencies, upon request, the services of specialists in physical fitness.
>
> 4. Prepare materials and serve as a clearing house on informational matters pertaining to the development of a national program of physical fitness.[66]

The Committee on Physical Fitness met in session on June 16, 1943 in Washington, D.C., and agreed on a number of proposals, one of which was to form a national council on physical fitness " . . . made up of individuals representative of the various interests in physical fitness who shall serve in an advisory capacity to the Committee on Physical Fitness."[67] Over seventy members were on the national council and ranged from well recognized sports personalities such as Avery Brundage to Don Ameche of motion picture fame.[68]

A proposal was drafted at this initial meeting and submitted by the Committee on Physical Fitness to the American Medical Association, requesting them to join in the planning, organization and conduct of a year-long program to emphasize and promote a special year of physical fitness. The program was slated to begin in September of 1944. In June of that year the proposal was accepted and the "Joint Committee of the American Medical Association and the National Council on Physical Fitness on Special Emphasis Year for Physical Fitness" was formed, comprising five representatives from each body. The major objectives of the new joint committee were the development of the human being into its realized powers and abilities, the restoration or rehabilitation to help people make adjustments to life after circumstances destroyed or altered the former life pattern, and the prevention of disease through physical education and health education.[69]

As a step toward the achievement of these goals the joint committee also recommended that teacher training institutions give special attention to their programs of health and fitness, and urged them to include instruction in the detection of abnormal health and development problems, and special training in the techniques of conducting physical education classes for prospective teachers.[70]

As plans for enlarging the scope and permanency of the National Council on Physical Fitness grew, it came under criticism from the Bureau of the Budget which felt that it was overstepping the intended original limits of the organization, and that any attempt toward making the organization permanent would require congressional authorization.[71] Even though support for the committee's continuance came from the U.S. Senate Committee on Finance and the Democratic National Committee, President Truman was not about to extend its life.[72]

> In view of the considerations set forth by the Director of the Bureau of the Budget and the recent action by the House of Representatives, I do not feel justified in taking further action at this time looking toward provision of funds for continuation of the temporary wartime activity of the Committee on Physical Fitness. The conversion of the program to a permanent peacetime activity as proposed by the Committee on Physical Fitness should, I believe, be undertaken only on the basis of legislative authority.[73]

Fears that with the end of the war the National Committee on Physical Fitness would be terminated resulted in the presentation of bill H.R. 2044 on February 7, 1945 by Congressman Weiss ". . . to establish a United States' Commission for the Promotion of Physical Fitness and making an appropriation for such conversation."[74] This was followed by a similar bill (H.R. 2045) by Congressman Hartley.

Labeling his act the U.S. Physical Fitness Act, Weiss called for the establishment of a U.S. Commission on Physical Fitness, consisting of two senators, two congressmen, and give presidential appointees.

The commission was to be empowered to promote the physical fitness of inhabitants in the United States through physical training, competition in all athletic sports, camping, and kindred activities.[75] It was also to act as an advisor to the states in their efforts to provide programs of physical training, and was to appoint an administrator to be known as the U.S. Commissioner of Physical Fitness, to be compensated at $10,000 per annum. An immediate appropriation of $250,000 was to be made to the commission for expenses in carrying out the provisions of the act, and twenty-five million dollars was to be available annually, beginning July 1, 1945, to aid the states and territories in providing physical fitness programs.[76] Interestingly enough, the bill specifically stated that there was to be no matching funds provided by the states and territories for the year ending June 30, 1946, and after that time only 50 percent of the appropriations were to be matched.[77]

The fears that Weiss harbored, that the National Committee on Physical Fitness would be terminated as the war ground to an end, were well founded. On June 30, 1945, the early years of the Truman administration, the program was officially ended. Weiss's bill fared no better than so many of its predecessors, once they were submitted to committee--it was not heard of again. Undaunted, Weiss drafted a new resolution (H.J. Res. 286) and submitted it in December, 1945. Congressmen Buchanan and Harley framed bills H.R. 220 and H.R. 4255 respectively in 1947, and in 1949 Congressman O'Brien submitted H.R. 1000. With but minor changes, the bills of 1947 and 1949 were, word for word, copies of the original bill drafted by Weiss in 1945. In fact, whether by design or happenstance, O'Brien seemingly failed to recognize the

the four-year time lapse since the original bill by Weiss had been presented.

> For the purpose of aiding the several States and Territories in providing the program of physical-fitness activities, there is hereby authorized to be appropriated for the fiscal year beginning July 1, 1945, the sum of $25,000,000 and annually thereafter, such sum as . . . .[78]

If it was intentional that retroactive pay be given to the states and territories, perhaps that was the reason the bill never emerged from its committee, like so many of its predecessors.

Victory Corps

A final foray into the realm of physical fitness during the war years concerned what was known as the Victory Corps, a nationwide program supported by the U.S. Office of Education, Secretary of War and Secretary of the Navy, to prepare youths for the total war effort. Physical fitness was one of eight objectives of the program which was designed basically to assist schools and colleges in formulating fitness programs. Pamphlets were drawn up by the Office of Education, beginning in 1942, outlining such programs and stating the objectives of the program.

> The purpose of the program outlined in this manual is to make secondary school pupils physically fit to undertake the unusually heavy tasks they will probably be called upon to assume in the near future. For some it will be for induction into the armed forces . . . for others it will be for employment in agriculture, industry, commerce, domestic services, and other essential occupations.[79]

The Victory Corps program continued to maintain its program throughout the war, and shortly after the cessation of hostilities was terminated.

Additional Physical Education-Fitness Involvement

There were additional unsuccessful attempts in Congress just prior to and during World War II to promote physical fitness and physical education in the United States. In 1940 S. 4179 was introduced in the Senate ". . . to provide for the establishment of a National Physical Fitness Institute and for other purposes."[80] The institute was to be established in the Federal Security Agency and appropriations were to be made for the selection, preparation and conduct of research with respect to tests and testing instruments for the purpose of conserving and increasing physical fitness in the populace. Specialists were to be trained in physical fitness and reports were to be published. In addition, the specialists were to be available to industry to devise a program at their wishes. This bill was followed by an identical bill in 1942 (S. 797) which, like its predecessor, failed to gain the support of the Committee on Education and Labor, perhaps because of their unwillingness to see the federal government directly involved with educational programs which normally fell within the jurisdiction of the individual states.

Another type of legislation was introduced in 1940 by Congressman Sutphin. H.R. 7661, and duplicate versions in 1941 (H.R. 1798 and H.R. 5801), called for

> . . . a complete survey of the physical resources existing within the United States now in use as outdoor recreation and competitive areas, gymnasia, stadia, swimming pools, parks, and so forth, and for other purposes.[81]

The bills proposed that such a survey would improve conditions in the field of physical education. All of them were referred to the House Committee on Education where they eventually died.

One final development which occurred, and was apparently an attempt to involve the federal government in physical fitness, took place in the Senate in 1943 when hearings were held pursuant to S. Res. 74, "A resolution authorizing an investigation of the education and physical fitness of the civilian population as related to National Defense."[82] In spite of its title and the fact that the hearings were prompted by the high rate of draft rejections as a consequence of physical deficiencies, little testimony was given to physical training. Rather, emphasis was placed on the areas of treatment, research, juvenile delinquency, health education, and fixed incomes in the war economy.

In summation, federal involvement to promote the welfare of the public, as it related to physical education during the period 1920-1949, was mainly tied to war-related issues. Congressional attempts to establish a national physical education program were most evident in the period following World War I and during World War II, and were motivated by the need for military preparedness. While their failure was the result of a lack of unity by proponents and the belief that federal involvement in education meant federal control in state matters, the executive branch of the government proceeded to set up its own preparedness programs, ignoring somewhat the age-old beliefs on states rights.

Financial Aid for Sport Projects

Besides federal interest in physical education, other attempts to promote sport for the public welfare took place during this thirty-year period. During the Depression years federal assistance to sport reached a peak through such programs as the Works Progress Administration (WPA), created in 1935 by executive order. By 1938 the projects helped to construct 1,720 gymnasiums,[83] and one year later the federal government extended financial assistance to include the construction and repair of playgrounds, athletic fields, bathing beaches, outdoor swimming pools, and social and recreation buildings including indoor pools, to the sum of over $118 million.[84] By the end of the program the WPA had built or improved 8,000 parks and 12,800 playgrounds, to say nothing of the erection of 5,900 schools, many of which had physical education facilities.[85]

Federal aid in the promotion of sport for the welfare of the people also emerged through the National Youth Administration which supplied emergency scholarship aid to high school and college students.

> Departments of physical education realized thousands of hours of work in the keeping of records, cleaning, repairing and dispensing equipment, lining and general upkeep of indoor and outdoor facilities, and devised work in offices and miscellaneous jobs which aided in the efficiency of a department.[86]

While it is true that many of the programs were instituted by the federal government to psychologically aid the mental and economic health of the nation during the Depression period, the long-range impact on both physical education and sport was tremendous.

As a sidelight to this topic, the federal government in 1933 involved itself directly in promoting the President's health through sport when two resolutions were introduced (S.J. Res. 34 and H.J. Res. 121) which provided for acceptance of donated sums of money from the private sector to construct a swimming pool for President Roosevelt. H.J. Res. 121 was quickly approved and signed by the President (Pub. Res. 3) and the pool was constructed and used by many

Presidents until it was converted into office space by President Nixon.

National Sports Committee

Federal involvement to promote sport for the public's welfare did not restrict itself solely to amateur sport during this era, but also extended to encompass professional sport. Talks began in 1943, focused upon the need to create a federal committee to determine whether or not professional sports should be maintained or eliminated for the duration of the war. Public opinion favored retention of professional sport, and in the early part of the 78th Congress, Congressman Weiss introduced H.J. Res. 110, a joint resolution which provided for the continuance of spectator sports. In discussion on the subject on the floor of the House, Weiss described the attributes of professional sport:

> I do believe that the continuation of professional baseball and football will materially aid in the success of our war effort for many reasons. First, the daring courage, initiative, and fighting spirit exemplified by our baseball players on the diamond and our football players on the gridiron are invaluable qualities now displayed by our fighting men and can be attributed as one of the major reasons for the success of our soldiers, sailors, and marines on the battlefronts of the world. Further, the game offers healthful relaxation to the soldiers in camp, those home on furlough, and to the men in industry producing the implements of war.[87]

Citing a personal poll taken of over 1,000 military and production men in which 90 percent favored the continuation of professional baseball and football, Weiss attempted to goad his fellow congressmen into action on the bill.

> Spectator sports are still a part of the government program in Germany, Russia, and Italy. In America we have greater reason to see that sports are never permitted to die. . . . Happy soldiers make better fighters, just like contented workers make

> better production men. It is my firm conviction that soldier and civilian morale demands that the Government permit spectator sports to continue for the duration.[88]

In spite of Congressman Weiss's appeal, H.J. Res. 110 was referred to the House Committee on Interstate and Foreign Commerce where it remained.

Speculation continued to mount that the federal government would move in to control professional sport, and the possibility raised the ire of some who believed it was not in the province of the federal government to invade sport:

> There has been some talk of the appointment by the President of a sports coordinator or a three-man committee to make recommendations on continuation or abandonment of certain organized sport. Such a committee, in my opinion, is unnecessary and uncalled for. The men who control these sports are American and I am sure would cooperate with our Government to the fullest extent. Sports are primarily local situations and should be approved and supervised by local authorities. Leave farming to the farmers, business to the businessmen, and sports to the sportsmen, who have performed real and substantial services in the development of the temperament, personality, and sport of our Nation.[89]

Action was taken on June 18, 1943, when President Franklin Roosevelt called for the formation of a national sports committee, composed of one army representative, one navy representative, and one civilian. It was to be the national sports committee's job to be an official ear for wartime complaints about the sporting world and to make recommendations on what could be done to keep athletics going for the duration of the war.[90] Opposition to the newly appointed committee was raised by Senator Sundstrom as he called for less government controls in this area.

> If the Government is suddenly aware of the health and morale of our people, why does it not take immediate affirmative action with the food situation? Surely nutrition is a factor of the

> first order in maintaining health and developing morale. The food supply is the responsibility of the United States Government, whereas, as I have stated before, sports should be left in the hands of sportsmen and under local control. . . . I stand for freedom of American sports, who knows but that Federal control will destroy this freedom. Let us direct the efforts toward the proper distribution of food, the basis of health, but do not create an opening for regimentation of youth. I fear that under Government control records will be made by bureaucrats and not by athletes.[91]

Following its creation, little was printed concerning the National Sport Committee. It is assumed that it restricted itself to the study of whether or not professional sport should be banned during the war. In November of 1943, Senator Lucas inserted into the Congressional Record a two and a half page description of the part that baseball played in promoting the war effort, thus it can be assumed that at this time there was yet present a threat that professional baseball would be banned for the duration of the war. Quoting income which the federal government received from admission taxes and bond sales during the period extending back to the bombing of Pearl Harbor ($947,300,000 in 1943 alone), the number of employees at ball parks, and the volume of baseball equipment sent overseas to the troops, Senator Lucas made a concerted effort to prevent professional baseball from being eliminated:

> Those connected with the management of professional baseball have demonstrated a highly patriotic purpose in this great emergency. I doubt that any Senator will disagree with me that professional baseball is absolutely essential to keep up the public morale, both in the military and civilian fronts. The record made since Pearl Harbor by the owners, managers, and players in professional baseball in this country is one of which every American should be proud. My sincere hope is that nothing will be done by any agency of the Government which will in any way disturb the continuation of the great American institution during the emergency.[92]

The National Sports Committee remained in the background throughout the rest of the war until passing into obscurity at its termination. Just before it did, noted sports writer Grantland Rice called upon the need for an overall federal sports policy in the country in his column and discussed the poor job done by the federal government throughout the war.

> In its job of handling sports, the Government has been a badly baffled and bewildered bunch, with only a vague knowledge of what it is all about. . . . When some higher up or some committee is given a decision to make, the decision is promptly shuffled over to someone else, and from there the buck is passed again. "There has been no over-all sports policy in Washington," one of the top leaders told me, "and there has been no sports coordination named to handle or help out the situation." But we need this over-all policy first. Does the Government at Washington want baseball continued? Yes. But no one there knows what to do about it.[93]

World War II ended with no interruption of professional baseball by the first federal agency to concern itself with professional sport. The debut of the federal government into the administration of professional sport was low key by all observations as the public's dim view on the issue of the elimination of professional baseball during the war was realized in federal circles. Reinforcing the prevailing negative attitude by the public toward federal involvement in sport was the disclosure in the press of bureaucratic inadequacies on the part of the federal government in the administration of wartime professional sport, and the result was that professional sport was safe from control by the federal sector for the remainder of this period of study.

Federal Involvement to Promote American Interests or Foreign Policy Objectives

Army Transports to 1920 Olympics

By far the most significant involvement by the federal government in sport, with reference to foreign policy during this period, occurred in 1920 when American army transports were used to transport the American Olympic Team to Antwerp, Belgium for the Seventh Olympic games. On March 30, 1920 Senator Wadsworth introduced into the Senate S.J. Res. 179, ". . . authorizing use of army transports by teams and individuals (as well as their equipment), representing the United States in Olympic games and international competitions." It seems, from written reports, that the condition of trans-Atlantic shipping during the 1920s was in a chaotic condition:

> . . . steamers had been destroyed by the war, some had been removed for other trade, many were tied up by strikes, sailings were being cancelled, embargoes placed on shipping and fresh difficulties arising daily in foreign countries as well as in our own.[94]

With time running out, the American Olympic Committee turned to another source for transportation help.

> By reason therefore of the regular sailings of the Army boats, the time of their passage either surpassing or equaling that of the usual passenger steamers, their non-crowded condition, and the sentimental fact of their flying the American flag and really being a part of the United States, the American Olympic Committee felt that no greater service could be rendered by the Army than to furnish transportation for members of the American Olympic Team. In fact, it seemed to the Committee that the only reliable hope of having America represented as she should be with full teams in all Olympic sports, and not only of getting the contestants to the events, but also of bringing them back, lay in obtaining passage on the Army transports.[95]

This tends to contradict statements taken by this writer in a telephone conversation with Dan Ferris, past secretary-treasurer of the AAU, who stated that ships were available and that the main reason for the approach for government help was because the American Olympic Committee was looking for a more inexpensive method of transporting athletes.[96]

In its report the American Olympic Committee noted that this factor influenced the committee to turn toward the government for assistance:

> A strong point in favor of their use was the saving of over $70,000 for transportation to the American Olympic Committee, at the same time bringing no extra expense upon Government. . . subsistence of the team was to be paid to the Government by the Committee and all required of the Transports was their unused space.[97]

The committee then laid the groundwork by asking the Secretary of War to become the Honorary Vice-President of the Olympic Association, and shortly afterward approached him with the idea of using army transports for the transportation of the American team. Although in favor of the idea, the Secretary of War emphasized that only a joint resolution in Congress would allow such use.[98]

As a consequence, S.J. Res. 179 was framed and passed in the Senate, but ran into opposition in the House despite the fact that the House Committee Report contained an expression in favor of the concept.

> Unless this resolution is passed the American teams will, in all probability, be unable to compete in this, the first Olympic since the World War, which would be, we think, a misfortune. Careful investigation reveals that it would be impossible to book passage this summer for so large a number of men or to receive any assurance that they would be able to return to this country on privately owned steamers after the games. All of the big steamship lines are fully booked and on several of the lines there is a waiting list of hundreds of people. It has been clearly demonstrated to the committee that the American teams can not get bookings on privately owned steamers.[99]

On the floor of the House debate over the resolution was intense. Proponents of the bill constantly emphasized the fact that there would be no expense to the government and that a troopship was to be going to Antwerp at that time anyway. Opponents felt differently:

> My colleagues say, "Oh, it is not going to cost anything for 300 men to be transported to Antwerp from America." One

> of my distinguished colleagues said it would not take an additional pound of coal. That shows how little thought he has given the matter. Government transports are to be used. For each and every one of these 300 men it is going to cost the Government at least $100 at the lowest possible estimate, even if they do pay something for meals.[100]

Another issue for discontent was brought up by Congressman Fields:

> If we give the organization free transportation on an army transport, we establish a precedent that will call for the admission of other organizations of this country to the army transports. . . . If we establish this precedent, what arguments have we against extending the same favor to other organizations who come to Congress and ask for it? Where will it lead to? Where will it stop?[101]

Thus, the problem of possibly establishing a precedent of government support in a private sector seriously hampered passage. "If this is a precedent, Mr. Chairman, it ought not to be passed. If it can be done as an individual instance, without establishing a precedent, it would be a wise thing to do."[102]

Various methods of verbal persuasion were used to induce Congress to act. One method of prodding was to compare the American federal government's lack of support for the Olympic team to that of other countries.

> . . . the English team will go to Antwerp at the expense of and supported by the British Government, and the French team is supported by the French Government, and all the expenses will be borne by the governments of those countries for their respective teams until the contest is over. The American Government does not intend to contribute, and has not, in fact, ever contributed, to the support of our teams. . . .[103]

It seems, though, that the choice tactic used to convince Congress of the need for passage was to play on the nationalistic feelings of the members of Congress, with the idea of America emerging victorious from the games. Congressman Gallivan best exemplified this form of appeal in speaking of the American Olympic representatives.

> They are selected as the result of competitions held in the various sections of the country; and when they achieve victory, as we expect them to achieve it, the glory will not be theirs, but will be that of the United States of America. [Applause.] Let me say to my good friend from Texas [Mr. Blanton] that when the winners are picked in each event they are announced to the assembled throng by throwing out to the breeze the flag of the country whose chosen representative has won the event. And, of course, we want to see the Stars and Stripes flying aloft as often as possible. [Applause.] These boys can not go in the numbers necessary to this competition unless we pass this bill.[104]

S.J. Res. 179 was passed and signed by the President on June 3, 1920, becoming Public Resolution No. 47, and the American Olympic Team went to the Olympic games in Belgium via United States army transports. The issue, however, was not dead. Problems arose which possibly convinced the Olympic Committee never again to enlist the aid of the federal government. Because of a mix-up, Olympic officers and government officials joined the Olympic team on board for the voyage to Antwerp, which resulted in the officials receiving stateroom accommodations while the athletes lived in troopship quarters which had been used in World War I as an American corpse-removal ship. In its report, the American Olympic Committee cited the problem.

> The members of the team protested in a signed statement that the transport was dirty; that it was vermin-ridden, especially with rats; that service both in the staterooms and troopship quarters and at table was poor to bad and that sanitary arrangements were insufficient.[105]

Problems also arose on the return voyage. Male athletes once again were "bumped" from their staterooms to troopship quarters by a French commission going to America, causing another protest from the athletes and, possibly, a renewed feeling both among Olympic officials and Congress never again to engage the aid of the federal government in Olympic matters.

Although the federal government had become involved in the 1920 Olympic games, further involvement in international sport was limited until 1941. During the intervening period American athletic teams were supported and sent overseas by private athletic organizations even though the teams represented the United States in international competition, and in many cases gained for the United States prestige as a world athletic power.

Beginning of Athletic Exchanges

While the State Department did recognize the international goodwill spread by organizations such as the Amateur Athletic Union,[106] no effort was made by them to send athletic teams abroad to foster American interests. At least one senator remarked (in 1934) on the failure of the federal government to realize the importance of athletics in this regard, but it fell on deaf ears.[107]

In 1941, just prior to the American entry into World War II, an interest in this area blossomed when the travel section of the Coordinator of Inter-American Affairs (CIAA), a federal agency involved in an information and exchange program, supported the concept of a tour of the American Lawn Tennis Team to several republics. The purpose of the tour was to permit the U.S. team to engage in a number of matches and to form several tennis schools.[108] Later in 1941, the CIAA also promoted a visit of a swim team of South American champions to the United States.[109] Although these tours were the exception rather than the rule (and were abruptly curtailed with the outbreak of World War II), they were done to enhance the American image abroad and were the first examples of the federal government using sport for this purpose. Additional tours were arranged at the close of the war when the State Department's Office of International Information Service, created in 1945 when the Office of War Information and the CIAA were fused, sent a professor of physical education to Chile in 1946 to instruct physical education and coach basketball at the Catholic University in Santiago.[110] Suffice it to say that sport exchanges and, in a larger sense, educational exchanges were, up until 1946, piecemeal. In 1946 a definite boost in educational exchanges through the Department of State occurred with passage by Congress of the Fulbright Act, which allowed the United States to sell its war surpluses to various countries for their own currencies, with part of the funds set aside for educational exchange purposes. This greatly increased the sending of American scholars overseas, and with the passage in 1948 of the Smith-Mundt Act, the program was firmly established with annual congressional appropriations.

As much as there was a great increase in educational exchanges brought about by these two legislative acts, very few American scholars were chosen from the field of physical education and no athletic teams were sent on goodwill tours. These two areas were not to develop until the next decade when fears of Communism heightened and the United States attempted to counter Soviet sport-cultural exchanges with her own. In spite of this, a foundation was laid in this area by the early tours in 1941 whereby the State Department first began to use sport as a political tool for American interests.

First Pan-American Games

Interest in Congress concerning goodwill spread by United

States' participation in athletics took place in 1940 when a movement began among the Pan-American countries to extend what was then known as the Pan-American Games, which had been promoted in connection with the 1937 Texas Centennial into an ongoing Pan-American friendship project. In an article from the Washington Times-Herald, inserted into the Congressional Record by Congressman Jack Nickols, reporter Vincent X. Flaherty extolled the virtues of America's participation in such a venture in an open letter to President Franklin Roosevelt.

> So now, at this time when there is much talk about the spreading of good will among the people of the Western Hemisphere, the "Commonsensenist" crops out in us enough to make us believe the United States is missing the greatest bet of all in weaving the Pan-American countries together in a closely knitted oneness. And we allude to sports. Sports, more than all the diplomatic back patting and hand clasping, can accomplish more in one day than any other medium might accomplish in months or years. It is the language of the world and not understood in only one country, state, province, or country. And the athletic field is the universal meeting ground of common understanding.[111]

Flaherty went on to endorse the revival of the Pan-American Games in the United States along with an expression of the need for a national stadium in Washington, D.C. to host such games. Pending in Congress at the time was a bill, H.R. 9797, by Congressman Nickols to create such a stadium which would pay for itself. H.R. 9797 died in committee, but the Pan-American Games idea continued, with the result that the first Pan-American Games were scheduled for Buenos Aires in 1942. The American entry into World War II dictated the postponement of these games until 1951.

Pan-American Physical Education Congress

Another area of federal involvement in international affairs, pertaining to sport and physical education, occurred in 1943 when the United States government received an invitation from the Brazilian government to send a representative to the First Pan-American Physical Education Congress, to be held in Rio de Janeiro in 1943. Because of the pressing transportation problems caused by war conditions, an official United States delegation could not go, although several American individuals did attend in an unofficial capacity.[112] In 1946 the Second Pan-American Congress on Physical Education was held in Mexico City, and this time delegates represented the United States from the United States Office of Education and the National Educational Association.[113] Likewise, in 1948 the London Congress on Physical Education, Recreation, and Rehabilitation involved representatives from the United States.[114]

Exemptions for Professional Athletes

A problem which led to controversy among the members of the federal government involved the concept of granting an exemption to many professional sports stars from taking an active role in the fighting in World War II. Professional boxers such as Billy Conn and Joe Louis spent much of their time during the war giving exhibitions in an effort to increase war-bond sales and to entertain the troops. In 1942 the practice of exemption came under fire from Congressman O'Toole.

> Mr. Speaker, it seems to me the War Department is making a mockery of this war in allowing two members of the armed forces to engage in a pugilistic encounter in New York City, where one of the beneficiaries is to be a fight promoter who is to receive $30,000 that is owed him by Joe Louis. Surely the war is a serious thing and it is time for the War Department to realize we are engaged in an actual war and cut out

> these theatrical performances, football games, and other sport endeavors, and apply themselves solely to the war.[115]

Congressman O'Toole gained little support and the practice continued throughout the war. The issue was never of major proportions, although it was brought to the attention of Congress by sports writer Grantland Rice, whose article was inserted into the Congressional Record by Congressman Walter G. Andrews on February 20, 1945. In the article Rice quoted a young sailor who supposedly represented the feelings of a goodly number of fighting servicemen on the subject.

> But what we don't like is the way they are using star athletes to win games or to give exhibitions. I can tell you that it doesn't help our morale. . . . We get a big laugh in hearing about the morale on the home front. We can use a little morale too, those who are fighting and dying. I'd like to have Joe Louis or Billy Conn alongside me in a tough fighting battle, where it's kill or get killed, live or die. . . . We sit around at times to talk about our two best heavyweight fighters, two men who would make great soldiers, giving exhibition boxing matches out of gunfire range. Why shouldn't they take the same chances we do, up in the battle formation, up in the front lines, where it's live or die any second?[116]

The controversy regarding the preferential treatment of athletes, while small during the war, continued after its termination. On November 30, 1945 Congressman Springer voiced disapproval of another example of such privileges extended to the outstanding athlete.

> Recently it was discovered that 54 football players, of the Hawaiian football team, many of whom lacked many points for discharge, were flown back to this country just as soon as the football season closed. These football players were flown back ahead of 13,400 veterans, all of whom had high points sufficient for discharge. This preferential treatment is entirely unfair.[117]

Discussion over the matter ceased with the return of overseas troops, and professional and amateur athletes returned to their pre-war occupations.

By the end of 1949 American federal involvement to promote sport for American interests or foreign policy objectives was haphazard and consisted for the most part of furnishing transportation for Olympic athletes (after American participation at the games had been threatened) and the irregular sending of athletes overseas on goodwill tours. Sport had not been assessed as yet as a tool for American political purposes even though the foundation had been laid.

Summary

The time span from 1920 to 1949 was a period marked by precedent setting actions by the federal government in several sectors of American sport, which were to become quite prevalent in later years. To a large extent, federal involvement occurred seemingly for reasons other than the fact that the federal government valued the intrinsic worth of sport. True, such practices as extending invitations to hold the Olympic games in the United States, the sponsored publicity of sport, tax exemptions, and attempts to investigate sport bribery and fixing of sporting contests, seem based on an interest in sport itself; other instances of federal involvement took place which seemingly were entered into for other purposes. One notable example of this was the inauguration of the use of sport for political purposes, as was evidenced by the extension of direct federal aid to the United States Olympic Team in 1920 and the onset--toward the end of the period--of federally sponsored overseas athletic goodwill tours by American athletes.

Several factors played large roles in determining whether the federal government would become involved in sport during this time span and in later years. One factor which played such a role, and which resulted in passage of legislation, was public opinion, as evidenced in 1940 when a ban on prize fight film was lifted. On the other hand, attempts at passage of physical education legislation was met with inaction, due in large part to another factor--the public's age-old distaste toward federal involvement in an area considered to be under the jurisdiction of individual states.

An additional factor which would play a significant role in future federal involvement as it pertained to professional sport was the 1922 Supreme Court decision which ruled that the antitrust laws were not applicable to professional baseball in that professional baseball was not a form of interstate commerce. In essence, the ruling meant that baseball was its own governing body, subject only to the laws of each individual state and as such could be operated outside federal antitrust legislation. This ruling allowed baseball continued uninterrupted growth throughout the period, with the exception of World War II, and was to become a center of federal involvement in sport in later years.

Overriding these as a determiner of federal involvement was the social situation of the times, more specifically the economic and political sphere and the interest and actions of the Chief Executive. During the Depression federal funds were used to construct sport-related recreational facilities as a method of combating the mental, physical and economic depression of the time. Also, when United States preparedness was at stake during World War II, the federal sector became involved in physical fitness programs. In both of these situations federal action came not from legislators, but by Presidential edict, possibly because of the need for immediate action and perhaps the realization that Congress might not pass legislation in areas outside normal federal channels of jurisdiction.

By the close of the period in 1949, these factors influencing federal involvement in American sport had been firmly established, and in the majority of cases they would permeate and influence federal involvement in American sport throughout the final period of this study.

CHAPTER IV

Footnotes

[1] Congressional Record, 79th Cong., 1st sess., Vol. 91, Part 4, 1945, p. 5598.

[2] Federal Baseball Club of Baltimore, Inc. v. National League of Professional Baseball Clubs, et al. Decided May 29, 1922. 269 Fed. 681; 50 App. D.C. 165, pp. 208-9.

[3] Ibid.

[4] U.S., Congress, S. Rept. 387, 83d Cong., 1st sess., 1953.

[5] U.S., Congress, House Bill H.R. 4471, 77th Cong., 1st sess., 1942.

[6] U.S., Congress, Senate Bill S. 1519, 77th Cong., 1st sess., 1942.

[7] U.S., Congress, Hearings before the Subcommittee on the Study of Monopoly Power of the Committee on the Judiciary, U.S. House of Representatives, 82d Cong., 1st sess. House Hearings on the Study of Monopoly Power, "Organized Baseball," 1952. Exhibit No. 18-B. Excerpt from minutes of a meeting of American League of Professional Baseball Clubs, held on January 31, 1947 at New York City.

[8] Ibid.

[9] S. 2160; H.R. 10, H.R. 376, H.R. 5637, H.R. 6107, H.R. 6489, H.R. 6493, H.R. 13417, H.R. 13418.

[10] H.R. 1207, H.R. 1654, H.R. 1675, H.R. 12644.

[11] H.R. 249, H.R. 327, H.R. 12899.

[12] H.R. 3650.

[13] H.R. 3542.

[14] S. 2285; H.R. 143, H.R. 6536.

[15] H.R. 10734.

[16] U.S., Congress, Senate, Interstate Commerce Committee on Legalizing Transportation of Prize-Fight Films, Hearings on S. 2047, 77th Cong., March 25 and 26, 1939; see also letter from Frank Gilleece, Executive Secretary, State of Kansas Athletic Commission, Topeka, May 15, 1939.

[17] Ibid.

[18] U.S., Congress, S. Rept. 530, 76th Cong., 1st sess., 1939.

[19] Ibid.

[20] U.S. Pub. Law 673, 1940.

[21] Congressional Record, 72d Cong., 1st sess., Vol. 75, Part 7, 30 March 1932, p. 7148.

[22] U.S., Congress, H. Rept. 2059, 74th Cong., 2d sess., 1936.

[23] Congressional Record, 67th Cong., 1st sess., Vol. 61, 1921, p. 7044.

[24] Congressional Record, 81st Cong., 1st sess., Vol. 95, Part 2, 1949, p. 1541; see also letter inserted from Eugene I. Van Antwerp, Mayor of Detroit, to U.S. Senator Arthur H. Vandenberg, dated February 22, 1949.

[25] Ibid.

[26] Minutes of Annual Meeting of AAU of U.S., 1936, p. 8.

[27] Ibid.

[28] Congressional Record, 80th Cong., 2d sess., Vol. 94, Part 1, 1948, p. 151.

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CHAPTER V

REACTION, STRUGGLE AND CHANGE

1950-1973

United States

The United States entered the decade of the fifties pondering the consequences of a seemingly futile no-win war in Korea. Looking for a scapegoat, the American public seized upon the spectre of Communism and its apparent conspiracy for world domination. From this, various accusations were made that Communists had infiltrated the highest levels of American government. This resulted in the investigations of Senator McCarthy which virtually froze all opposition from fear of accusation. The investigations, when coupled with reports and exposes of corruption in the Truman administration, led to a Democratic defeat in 1952 and sent to the White House war hero Dwight Eisenhower.

Taking office at the height of so-called "McCarthyism," Eisenhower elected to remain aloof from the volatile issue as much as possible until the investigations ended in 1954, when McCarthy was censured in the Senate. Relying on his advisors, Eisenhower's policies were considered much more conservative than those of Truman. Eisenhower based his economic policies on price stability, however recessions plagued his administration during the winters of 1953-54, 1957-58, and during his last year of office (1959).

Although economics was an important issue, the major domestic issue proved to be focused upon the social problem of equal rights for Black Americans. Previous legislative attempts pertinent to this problem by the Truman administration had been thwarted by Congress, but it soon came to the forefront in the Eisenhower administration when Blacks, under the leadership of Dr. Martin Luther King, boycotted Montgomery, Alabama's segregated bus system in 1955. This was the beginning of what was to be known as the Civil Rights Struggle by the use of nonviolence on the part of Blacks. Gains in this area during the fifties were slow as Eisenhower failed to use his powers to attack the issues in a direct manner, and maintained a low-key administration on such potentially explosive problems. In retrospect, the era of the Eisenhower fifties was, as Schlesinger described it, " . . . a generation apparently fearful of politics, mistrustful of ideas, incurious about society [and] desperate about personal security."[1]

The opposite occurred when John Kennedy won the presidential office in 1960. Displaying outward wit, vigor, charm and youth, Kennedy changed the style of the presidency to that of a dynamic entity. New programs were tried, old ones renewed, chances were taken, and mistakes were made. Staticism was not in evidence. Outward attempts were made to pass Civil Rights legislation, and the period became an age of protest on issues such as racial injustice and poverty. With Kennedy's assassination in 1963, Lyndon Johnson, formerly the most influential and knowledgeable man in Congress, assumed office. Johnson set out to push through Congress much of the social legislation which Kennedy had proposed, the major item being the Civil Rights Act. Successful passage of this act and other similar social-type legislation was overshadowed, however, by the larger international issue: the Viet Nam conflict.

Demonstrations, sit-ins, marches, burnings, riots, shootings and bombings occurred as frustrated minority factions in American society attempted to tug at the sleeve of the power structure of American government, to protest what they felt were American colonial policies overseas. Theirs were the hopes of changing the direction of the ship of state. Violence continued as a weapon for both sides in the struggle, and flared to national recognition in the 1968 Democratic Convention in Chicago.

The election of Richard Nixon in 1968 to the presidency did not abate the war protestation. In fact, domestic resistance to the war exploded with the invasion of Cambodia by United States troops and was tragically expressed in the Kent State massacre. While domestically war protest was center stage, Nixon's area of interest was international as he attempted to open new doors in foreign policy. Slowly America retreated from the Viet Nam struggle, and by the end of 1973 domestic issues were returning to the forefront.

American attitudes began to change during the early 1970s, especially with regard to the domino theory and the idea that the United States was the protector of democracy around the world. Americans began to believe that there were strict limits on their capacity to decide the destiny of other nations, and the idea that the United States was the guardian of world-wide democracy faded.[2]

Changes also took place during this period in other areas of American society. President Nixon led a backlash against what he felt was a permissiveness existing in America. Blaming the Warren Supreme Court for decisions which he felt had bred disorder and crime in America, Nixon called upon the "silent majority" to be recognized. In

1972 the Supreme Court was changed as three Nixon appointees took their place, beginning what Nixon hoped to be a return to a more conservative action.

The economic situation during the Nixon years was dominated by the topic of inflation. While maintaining the need for a free enterprise system for three-quarters of his first term in office, an about-face took place in 1971 when he scrapped his past philosophy and instituted a ninety-day freeze on wages and prices, bringing the federal government into an area of control heretofore considered to be within the jurisdiction of the private sector except for times of war.

Automation during the sixties increased the need for specialization in the field of labor which, likewise, increased the size of the educational community enormously. The number of students, teachers and administrators grew from forty-eight million in 1960 to sixty-two million in 1970.[3] Growth also took place in business and it soon became evident that multinational corporations were controlling the American economy, and moves were taken to try to control the conglomerates.

Other areas of American society were also growing in the sixties and seventies, but not always in a positive way. Within the growing cities, poverty, racial tension, unequal and inadequate education, and air and water pollution became central issues, particularly within the inner-city area. Municipal services deteriorated, transportation became a problem, public housing projects became slums, crime increased, and congestion, filth, drugs, alienation and the erosion of any sense of community grew. Whites continued to move to suburbs, leaving the cities little more than skeleton battlegrounds of bare existence.[4] With this came a change in the American attitude toward growth. Where before "bigger" meant better and was considered a sacred entity, now it was seen as a possible weapon for man's own destruction of his universe. Ecology became a household word as man began to consider the need to find equilibrium--a balance with nature. Conservation became a "pop" word with almost a cult surrounding it. As the year 1973 ended, few Americans were actually practitioners of the new philosophy, being content instead to "mouth" its values while continuing to be of the same consumer mold as before.

Internationally

Two opposing ideological camps clashed in 1950 when United States armed forces were committed with U.N. forces to South Korea in order to repel North Korean invaders. Believing that this was part of an overall Communist global policy for world domination and that Communism, unless blocked in the main theater, would continue to advance throughout the world, the United States threw its military resources into action. From 1950 to 1952 American military expenditures for national security soared from 33 percent to 67 percent of the total budget, with an additional increase in military manpower.[5] With the ascendency of Eisenhower to the presidency in 1952, and the 1953 armistice in Korea, military confrontation with the Communist world ebbed. Behind the scenes the United States continued to shore up its defenses against Communism throughout the world. In addition to the North Atlantic Treaty Organization in Western Europe and Canada, a similar pact in South East Asia was formed in 1954, known as the South East Asian Treaty Organization (SEATO). Government agencies were created to thwart what was thought to be Communist aggression. Besides the Central Intelligence Agency, there now existed the National Security Council and the Department of Defense. Thus the United States and the Soviet Union, representing two conflicting ideologies, attempted to shape the world into the model which they thought best. This ideological battle made inroads into all facets of society, not just the military. Culture, science, technology, art, sport, and music were all drawn into the conflict. Soviet claims that Communism was the best and quickest road to modernization received impetus because of her own rate of industrial growth and the revelation of sensational headline scientific achievements as evidenced by the hydrogen bomb (1953), sputnik (1957), the first moon satellite (1959), and the first man in space (1961).

Although open hostilities over Communism ended in 1953, American military involvement did not end internationally. By 1954 America was paying almost 80 percent of the French cost of the Indo-China war against the Viet Minh. Even after the 1956 Geneva Convention, American aid continued to pro-Western South Viet Nam. Likewise, the possibility of Soviet domination in the Middle East led to the issuance of the Eisenhower Doctrine of 1957, which disclosed that it was American policy to prevent Soviet dominance in the area. In Latin America the United States thwarted Communist attempts to overthrow pro-American dictators as the maintenance of foreign private investment became an American concern. Cuba fell in 1959 to Fidel Castro who eventually turned to the Soviet Union for support, thereby increasing American anxieties about the Communist threat of world domination. In South Viet Nam American military aid to that country increased as the possibility of a Communist takeover mounted with the increase in corruption among the leadership. Eisenhower summed up American policy on the matter: "The loss of South Vietnam . . . would set in motion a crumbling process that would, as it progressed, have grave consequences for us."[6] Between 1950 and 1961 military aid to South Vietnam averaged two million dollars annually.

No great change in policy took place with Kennedy in the White House in 1960. Attempts were made in 1961 to sponsor an invasion of Cuban exiles into that country. By 1962 increased aid was being sent to Vietnam, not only financial but militarily as well. American military advisors appeared on the scene, beginning an era of direct American involvement. Direct confrontation with the Soviet Union, likewise, took place in 1962 when a discovery was made that Soviet-made offensive missiles were being stockpiled in Cuba. An American blockade of Cuba resulted, causing a confrontation between the superpowers, after which an agreement was made which gave assurance that the U.S.S.R. would withdraw the missiles. Finally, in 1963, a Test Ban Treaty was signed which was to put an end to atmospheric nuclear testing for those signatory countries.

Economically the Kennedy Administration attempted to end the protectionist policies of the past. Many trade barriers were dropped, allowing for freer trading between countries, and an Alliance for Progress was created in 1961 in hopes of developing closer economic ties with South America.

While Lyndon Johnson was the expert in domestic affairs, during his administration the United States continued with the policy of deterring Communism. United States marines were sent ashore in 1965 to the Dominican Republic to prevent the possibility of a Communist takeover of that country, and various wars of national liberation were believed to be Communist-led. This was especially true in South America where American pressure was exerted to maintain the status quo.

United States involvement in Vietnam escalated with the 1965 Gulf of Tonkin Resolution, and American troops in South Vietnam increased from 184,300 in 1965 to 536,000 in 1968, the last year of the Johnson Administration. During these years American policy was to maintain the status quo within the Southeast Asian nations, and saturation bombing was used hopefully to bring the enemy to its knees. By 1968 the policy of more men and planes had failed, and Nixon took office amid promises to "Bring the Boys Home." Laying the emphasis of his administration on the international and not the domestic scene, Nixon set out to establish American contact with a variety of nations while at the same time attempting to end American involvement in Vietnam. After stepping up the war effort, as depicted by the Cambodia invasion, Nixon finally settled on a policy known as "Vietnamization," and by the end of 1972 most American troops had been withdrawn.

Internationally, Nixon endouraged individual diplomatic forays outside the United Nations into the international community to stabilize American relationships with other great powers. In 1969 Strategic Arms Limitations talks were held, and in 1972 Summit talks were held in Moscow. For the first time, an American President visited the People's Republic of China, thereby opening doors which had been closed to the United States for over twenty years. As 1973 came to a close, America's optimism concerning her involvement in international affairs was returning. America seemed to be regaining some of the international stature she felt she had lost since becoming involved in Vietnam.

American Federal Government

While the tone of government under the Truman Administration was one of maintaining many of the programs of the New Deal, when Eisenhower took office in 1952 one of his main objectives was to bring about the decentralization of the government.

> That means an administration which is determined effectively to bring government close to the people. It means, also, faith in the people to act more wisely in their own behalf than can a bureaucrat removed a thousand miles from the scene of action.[7]

Eisenhower allowed the federal government to become more involved internationally in the belief that the United States had the ability and the right to decide the destiny of other nations. On the other hand, domestically he believed in the concept that the federal government should be minimally involved in matters related to state jurisdiction. A belief in the free enterprise system and an unwillingness to have the federal government interfere with business decisions were to guide his actions through his eight-year term. Opposed to projects like the Tennessee Valley Authority, it was Eisenhower's intention to cut federal spending in every direction--spending, taxation, and regulations--and to stimulate local and private industry. Attempts were made to transfer various functions from the federal to the state level. While the relative size and structure of government did not increase to any great extent during Eisenhower's administration, it did remain rather static.

In the social area, the major issues had as their epicenter the problems of civil rights. Minorities, especially Blacks, turned from the administration to the courts for help. In a unanimous decision, the Supreme Court in 1954 outlawed racial discrimination in public schools and ordered their desegregation. Resistance to this dictum came from South Carolina, Georgia, Alabama and Mississippi. By 1957 Eisenhower had to order federal troops to Little Rock, Arkansas, to enforce integration in the schools. In the same year Congress passed the Civil Rights Act, which authorized the Department of Justice to seek injunctions on behalf of Black voting rights. In the ensuing years the Supreme Court struck at segregation in interstate commerce, public buildings, airports, interstate bus terminals, parks and other public recreational facilities.

Two critical areas where the Eisenhower Administration did involve the federal government were the creation of the Department of Health, Education and Welfare, the first new cabinet department to be created in forty years, and passage in 1958 of the National Defense Education Act in which loans and scholarships were offered college students to stimulate scientific education, a definite reaction to Sputnik in 1957 and its threat to United States technological supremacy. Except for these few instances, government involvement in American society during the Eisenhower Administration was low key when compared with his two predecessors and the policies of the New Deal.

Attempts at more federal involvement were made by Kennedy and his administration. He instituted the Peace Corps, pressed for passage of more federal aid to education and medicare, used federal pressures to open segregated schools, forced steel mills to roll back price increases, and urged business and labor to keep wage increases within the limit of advances in technology.

Kennedy's departure from the White House in 1963 left many of his federal programs unfinished. Nonetheless, his successor, Johnson, with his knowledge of Congress, managed to push through much of the unfinished work. The Civil Rights Act of 1964 was passed, along with the establishment of an Equal Employment Opportunity Commission. In 1964 the Economic Opportunity Act established a number of action programs to help the disadvantaged. Notable among these were the Job Corps, Neighborhood Youth Corps, Volunteers in Service to America (VISTA), Headstart, Upward Bound and community action programs. One year later an act was passed to strengthen the right to vote by authorizing the federal government to register those whom the states refused to put on the voting lists. In most instances, these individuals were minorities.

Federal spending increased for health, education and social purposes, from $54 billion in 1964 to $98 billion in 1968. One and three-tenths billion dollars in federal aid to all pupils in school districts was appropriated with the passage of the Elementary and Secondary Education Act in 1965. In the same year $2.3 billion was appropriated for federal loans to college students and other aid to higher education. Likewise, another social agency was created during this period with the establishment of the Office of Housing and Urban Development. Finally, after many attempts, the adoption of the Medicare Amendment to the Social Security Act took place in 1965, an area heretofore completely out of bounds to the federal government. Thus the early years of the Johnson Administration saw federal involvement in

American society grow at a pace more rapid than at any time since the New Deal. The latter years of the Johnson Administration, however, were preoccupied with the Vietnam conflict, and many of the government sponsored social programs suffered as a consequence.

The philosophy of Richard Nixon toward federal government mirrored more the approach taken by Eisenhower, whom Nixon had served as vice-president. Mistrusting federal bureaucracy, Nixon attempted to reduce federal spending and regulations, hoping to give a free rein to business enterprise. Major cuts were made in 1970 in the Department of Health, Education and Welfare's Civil Rights program, and efforts were made to curb crime by endorsing more law and order while at the same time denouncing attempts for federal gun control legislation. Attitudes by the Nixon Administration toward federal aid to social problems were to change, however.

> By the early seventies it was hardly an exaggeration to say that much of the nonprofit sector of American society was on the edge of financial bankruptcy; state and local government, universities and school boards, railroads and public transit, hospitals and welfare agencies, libraries, museums, and opera houses.[8]

In 1972 the reversal took place. President Nixon proposed five billion dollars in federal revenues to the states and introduced a health-care program and an anti-pollution program. Although these measures stalled in a Democrat-controlled Congress, the administration had shifted its policy.

The attitude toward government involvement in American society has changed frequently since the nineteenth century. Through the years the American public has become more accepting than ever before to federal government involvement in both the social and economic facets of American life. This was evidenced by the fact that since World War II, government funds have supplied 60 percent of the income of aircraft companies, 33 percent for radio and manufacturers, and 26 percent to machine shop companies. In addition, the Department of Defense has become the single most important element in the American economy with its ownership of 29 million acres, and weapons and buildings worth $400 billion. The shift is further evidenced by the fact that in 1970 welfare payments between the federal and state governments totaled $15 billion.[9]

As Carroll and Noble noted, the one factor that marks a distinction from pre-1929 and post-1929 is the failure of the American economy to last without government intervention. "Government control and spending have become a fundamental part of the economy since 1929."[10] This shift in attitudes by Americans during this period was not restricted solely to the role of the federal government, but was focused upon other spheres of American society as well. One area where change was apparent concerned American attitudes toward sport.

American Sport 1950-1973

Changes were taking place at all levels of American sport during this era. At the intercollegiate level men's athletics began the fifties where it had left off, with intense recruiting in the hope of producing winning teams. Except for a betting scandal early in the decade, intercollegiate male sports continued to increase in both popularity and in program offerings. Intramurals similarly continued to expand, and on many campuses club sports made their debut. Some schools, however, did not fare well in football and were forced to drop the sport due to financial problems. By and large, football continued its growth and popularity, especially on the larger campuses. Aiding in its popularity was the advent of television, with the subsequent televising of major sporting events. During this era there was the change from one-platoon football to two-platoon, allowing for larger teams, more specialization, and a higher quality of play. Excellence became the uppermost goal in the major sports on most campuses. Athletic departments became larger, more assistant coaches were needed, and schools soon found themselves building athletic dormitories, paying for cross-country airline travel in order to achieve a larger gate, and sponsoring training tables open only to athletes. While smaller schools could not maintain the same high-level quality programs as the larger schools, many picked one sport--such as basketball--to emphasize.

By the 1960s, in addition to football, baseball, basketball, gymnastics, tennis, cross-country, track, golf, fencing and ice hockey, national championships for major colleges had risen to include water polo, volleyball, soccer, wrestling, trampoline, skiing and lacrosse. Smaller schools expanded programs, but on a more limited basis.

Changes likewise took place in coaching in the fifties so that by the 1960s coaching had become a job itself within most of the major schools. In many cases a coach's single obligation was to field a winning team. Often athletic departments split with physical education departments, each requiring separate staffing, budgets and, in some cases, buildings. In many schools intercollegiate athletics became a business operation. Likewise, as professional leagues expanded and new ones were created, many schools found themselves with athletes whose chief ambition was not education but a professional contract.

When social issues such as civil rights, free speech and Vietnam war protest reached the campus in the turbulent sixties, most athletic programs continued undisturbed, with athletes seemingly out of tune with their fellow student activists. However, this changed in the late 1960s and early 1970s as athletes began to be heard not only on social issues but athletic ones as well. Citing athletic departments and coaching staffs for aggressive tactics, athletes attempted to change what to them were dehumanizing and "Gestapo-type" discipline methods. The issues ranged from the right to wear longer hair and beards to charges of racism. While the athletes were reacting, so too were the student bodies on many campuses as students protested the use of student activity funds for what they felt was support for a business: sport. Student bodies in several schools voted to either drop or curtail the channeling of student body fees into athletics, thereby forcing many athletic departments to turn to private funding through donations, usually from booster clubs, to balance the budget. As a result, athletic departments often became even more alienated from their school and soon found themselves tied to local businessmen who demanded winning teams and coaches in return for their donations. By the end of 1973 college athletic programs began to notice that a crisis was at hand as many departments were running in the red due to rising school expenses.

Also significant during this period was the emergence of female-oriented sport programs in the schools. Up until the 1960s the majority of women's programs on campus consisted of intramurals or play-days, with intercollegiate competition comprising a very small percentage of the programs. Change began to take place in the sixties as the women's liberation movement gained impetus. Past societal values which depicted women athletes as unfeminine were challenged and, through the example set by various women in professional sport, college women began to demand the right to compete in varsity intercollegiate competition, equal use of facilities, athletic scholarships, and an equal share of athletic budgets. As a result of these challenges and through fear of court action, more and more campuses featured interscholastic competitions among women, although not on the scale of the men's program. In 1973 a significant change occurred when the Association for Intercollegiate Athletics for Women approved athletic scholarships for women, a practice previously abhorrent to women in athletics.

At the high school level athletics increased in scope for both boys and girls, although boys' programs as a rule were larger. For example, the average number of after-school sports sponsored for high school boys increased in Ohio, on the average, from three in 1946 to eight in 1969.[11] Several crises affected high school and junior high school athletic programs after the mid-sixties. First, financial problems threatened the existence of many programs, most notably those in Philadelphia[12] and New York.[13] Second, spectator violence at athletic contests forced some high schools to cancel evening performances, and in some extreme cases spectators were barred from contests which were held in empty gymnasiums or stadia at a neutral venue. In the late sixties, in step with the rest of American society, girls on the junior and senior high campuses made it known they wished to have their own programs, or at least to be able to compete on boys' teams if no opportunities were offered for their sex. Controversy erupted as parents took to the courts. The result was a wider program of interschool competition for girls, although never on a par with the boys. Women physical educators soon found themselves working after-school sports more often. In most school systems there was a lack of qualified female coaches or even volunteers to coach the girls' teams, thereby adding a new problem to an already problem-burdened program.

Finally, many school athletic programs noticed a drop in interest among students in boys' competitive team athletics in the late sixties and early seventies, especially on the West Coast. While teams were as large as ever, some prime athletes were dropping from teams, preferring instead to turn to other pursuits. Competitive team athletics for some lost its appeal as many turned to less competitive non-contact-type sports such as bicycling, hiking, frisbee and surfing. While the numbers of players were there for teams, many coaches felt the quality was lacking. Some attributed it to a lack of desire on the youngster's part to "pay the price," feeling that it was a spinoff of the permissiveness which was felt to be a part of the times.

Physical education in the schools during the early fifties had not really changed much from the post-World War II period. Programs were operated at both the junior and senior high level and mainly consisted of the most popular after-school sports together with other activities, dictated to a great extent by the equipment at hand. In the mid-fifties, however, publication of the Kraus-Weber tests--which suggested that American school children were inferior to their European counterparts in a number of strength and flexibility tasks--caused a clamor both by the public and by the federal government for emphasis on physical fitness in the school physical education program. The American Association of Health, Physical Education and Recreation created a physical fitness test and program, and embarked on a crusade for fitness in the schools. This was followed shortly after with the creation by President Eisenhower of the President's Council on Youth Fitness in 1956. This council, too, sponsored a physical fitness plan for the schools. As a result, the majority of physical education programs in the schools from the latter fifties to the early seventies stressed physical fitness along with team-type sports.

A significant curricular change occurred in the latter part of the sixties which led to a program emphasis on carryover lifetime sports such as back-packing, tennis, golf and badminton at the junior and senior high school level. A catalyst in this shift was the fact that students were demanding such courses and were rebelling against what they felt was a militaristic type of program.

Outside the confines of the schools and colleges, sport was taking on a greater meaning in American society than ever before. Heavy emphasis was being placed on excellence and on winning for those in competition. Heading the list in popularity was professional sport as expansion and the creation of new leagues in the sixties caused public interest to heighten. In addition to professional football, basketball, hockey, golf and baseball, others such as tennis, soccer and skiing were added for public consumption in the late sixties. Playing an even greater role in popularizing sport was increased television coverage of both collegiate and professional sport, and the addition of color television. By the end of the sixties the term "football widow" had been added to the American vocabulary as husbands literally remained seated in front of television sets on many weekends.

Professional sport was becoming recognized as a business of its own by the public. To most Americans sport had been regarded as aloof from society, something light, white, clean, and an escape from real life. In the mid-sixties these attitudes changed as fans saw franchises move from their cities for the possibility of greater television contracts elsewhere, leaving municipally owned stadiums deserted. Strikes by ball players for higher wages aided the more realistic appraisal of sport by the public, and in the late sixties and early seventies reading materials showing the more seedy side of professional athletics became best sellers, exploding the myth of the athlete as the white knight in shining armor.

Not only was sport becoming more refined and sophisticated at the professional and collegiate level, but organized sport outside school also changed as parents organized various midget and little leagues for boys in baseball, football and soccer. Many parents chose to enroll their youngsters in private sport clubs to learn and train in a specific sport, usually age-group swimming, track, and gymnastics.

Remaining relatively free from the problems which plagued high schools and colleges was organized amateur sport. Their problems, however, concerned another aspect. A feud, which had been smoldering since the early 1900s between the Amateur Athletic Union and the National Collegiate Athletic Association over the sanctioning of amateur athletics, erupted in the sixties and continued through 1973.[14] In addition, future American participation in the Olympic games came under heated discussion after a poor showing by American athletes in 1972, thought to be partially caused by inept American Olympic officials.

While spectator attendance at sports events was up in America during this period, so too was public participation, especially in sports which required special equipment. Snow skiing, scuba diving, water skiing, sky diving, motorboating, ten-speed bicycling, motorcycling, and trailer camping made great strides in the sixties and seventies. With the protests against the status quo in the late sixties came a counter-culture revaluation of sport as back-packing, hiking, mountaineering, jogging, and frisbee tossing became popular. At the commencement of the 1970s a tremendous boom in tennis took place, brought about largely by charismatic tennis personalities--especially women--frequently exposed to the public on television. Through it all, however, the most popular recreative activity for the American was the sedentary sport of watching others exercise from a living-room chair.

CHAPTER V

Footnotes

[1] John M. Blum et al., The National Experience (New York: Harcourt Brace Jovanovich, 1973), p. 747.

[2] Ibid., p. 802.

[3] Ibid., p. 811.

[4] Ibid.

[5] Ibid., p. 726.

[6] Ibid., p. 751.

[7] Ibid., p. 730.

[8] Ibid., p. 828.

[9] Peter N. Carroll and David W. Noble, The Restless Centuries (Minneapolis, Minn.: Burgess Publishing Co., 1973), p. 437.

[10] Ibid., p. 425.

[11] Clifford B. Fagan, "Increased Participation in Interschool Athletics--A Sport for Every Boy--Every Boy a Sport," Ohio High School Athlete 38 (February 1969):128.

[12] New York Times, 4 June 1971.

[13] New York Times, 7 March 1971.

[14] Arnold Flath, "A History of Relations Between the National Collegiate Athletic Association and the Amateur Athletic Union" (Ph.D. dissertation, University of Michigan, 1964).

CHAPTER VI

FEDERAL INVOLVEMENT TO PROTECT THE PUBLIC

1950-1973

Federal involvement in sport to protect the public primarily concerned itself with two main areas of interest from 1950 to 1973. One surrounded the 1922 Supreme Court decision which exempted baseball from the antitrust laws, and the other concerned certain aspects associated with the televising of sporting contests.

Applicability of the Antitrust Laws to Professional Sport

As mentioned previously, professional baseball was exempted from the antitrust laws in 1922, principally on the basis that it was considered not a part of interstate commerce. While the decision itself pertained only to baseball, it was generally accepted in other professional sport circles that the ruling was applicable to them. No test cases were brought to court on this matter until 1955, when a civil antitrust action suit was brought by the federal government against the International Boxing Club of New York for alleged violations of the Sherman Antitrust Act. The International Boxing Club held that it did not come under the Sherman Act because of the 1922 Supreme Court decision. The case was brought before the Supreme Court, and in a surprising decision the court ruled that professional boxing did come under the jurisdiction of the Sherman Act and that it was a form of interstate commerce. Additionally, the ruling stated that the 1922 decision, Federal Baseball Club v. National League, 259 U.S. 200, and the recent upholding of it in 1953 (Toolson v. New York Yankees, 346 U.S. 356),[1] did not immunize from the Sherman Act all professional sport, but rather just baseball. Finally, the court advised that ". . . whether such a broad exemption should be granted is an issue to be resolved by Congress, not this Court."[2]

Two years later, in 1957, the Supreme Court followed suit and ruled that professional football was subject to the antitrust laws (Radovich v. National League, 352 U.S. 445). In its ruling the court stated that as long as Congress continued to acquiesce, the Supreme Court was to adhere to the interpretation of the original act of 1922, but was not to extend its provisions to other professional sports, and suggested congressional action for those professional sports which wished, like baseball, to be immune to the controls set out in the Sherman Act. "If there be error or discrimination in these rulings, the orderly way to eliminate it is by legislation and not by court decision."[3]

This decision was ~~to~~ result in future attempts by professional football to obtain special protection through Congress on this matter. Ultimately they were granted partial exemptions from the Sherman Act, in 1961 to form league television contracts instead of individual team contracts, and in 1967 to allow a merger of the American and National football leagues (later section).

Television Blackouts

A related but distinct problem during this period was the question of the rights of football clubs to demand area blackouts of televised games. With the boom in television after World War II, and the increasing use of the medium for the purpose of transmitting sporting events in the early 1950s, came a similar interest in the federal sector in televised sport. These concerns generally revolved around the public's right to view sporting events. For the most part, federal involvement in this matter during the early part of this period was quite limited. Traditionally, in order to increase the likelihood that stadiums would be filled on the day of a game, most professional teams restricted the viewing of home games within a 75-mile radius of the stadium where the game was played. As early as 1953 a federal district court had ruled that home game blackouts of professional football games did not violate the antitrust laws (U.S. v. NFL, 116F. Supp. 319). Additionally, in 1961, Congress passed legislation which permitted professional teams to not only black out home games, but any games telecast into a home team's territory (later section). As a result, attendance in the National Football League climbed enormously until, by 1971, there was little opportunity for the average fan to purchase tickets for individual games because of a scarcity of tickets.

Primarily due to the fact that professional sport was just gaining in popularity in the fifties, little attention was paid to such restrictive practices as television blackouts. By the sixties, though, several aspects concerning blackout practices came to the attention of Congress. In 1963 Congressman Stubblefield introduced H.R. 7365, designed to restrict television blackouts to the 75-mile area understood in the 1961 legislation. According to Stubblefield, professional football was attempting to apply new and restricted blackouts which would have blacked out additional areas from telecast.

> Such new practices would black out additional television stations serving millions of people which are located up to 125 or more miles from the game city, and whose signals are not received in that city or in any area immediately contiguous to it or its metropolitan area.[4]

The amendment to the 1961 law by Stubblefield was to correct any misunderstandings in this regard.

> It would be beneficial to future application of the congressional antitrust exemption and to future television policies that there be an appropriate legislative codification and clarification of existing law and practice to make clear that the permissible blackout restriction is limited to and should be no greater than that relating to a station located within 75 miles from the home city in which the game is being played.[5]

Stubblefield's amendment failed to generate interest and died in committee along with a similar bill, H.R. 7365, introduced in 1967.

In 1966 another aspect of blackouts came before Congress and concerned UHF television stations and broadcasting of professional athletic events. Introduced in the House were two bills--H.R. 15424 by Congressman Kirwan and H.R. 15760 by Congressman Bow--which would have amended the 1961 television act and would have allowed UHF stations to televise professional sports events if the station was located more than forty miles from the main post office nearest the game site. The legislation, in effect, would have recognized the difference between UHF and VHF stations. The underlying belief was that UHF stations located more than forty miles from a game site would have no effective coverage within the market area. Neither bill received attention and eventually died in committee.

By 1969 public outcry was being heard with regard to professional football's practice of blacking out even those games which had been sold out. This, coupled with the intense popularity of the sport, produced demands on politicians to correct the practice. Action began with the introduction of H.R. 15128 in 1969, pertaining to professional baseball, basketball, football and hockey, which stated that

> . . . the antitrust law exemption for agreements by professional sports leagues relating to telecasting of sports contests involving their members will not apply to an agreement which prohibits the telecasting in home territory of a league member of a sports contest involving such member which has been sold out more than three days before the day on which it is to be played.[6]

This was the first of many such bills which would be presented in the ensuing years as professional sport became more and more popular and as tickets for the contests became increasingly difficult to obtain.

H.R. 15128 was sent to the House Committee on the Judiciary where it died. Similar bills were introduced in 1971[7] and in 1972.[8] Hearings were held in 1973 in the Senate on S. 4010 and S. 4007, but no action took place. Senator Gurney added amendments to a Basketball Merger Bill of 1972 which would have banned blackouts of more than fifty miles and also would have eliminated blackouts for post-season professional games which were sold out five days prior to the contest. None of these legislative attempts succeeded even though public opinion on this matter was strong.

Pressure by the public on Congress to lift the blackout restrictions on sold-out games reached a peak in 1973 as more than twenty bills were introduced in Congress.[9] In July of 1973 the Senate Committee on Commerce published Report 347 on S. 1841. Citing that over 95 percent of all stadia seats for all NFL season games were sold out, and the fact that the situation was causing considerable dissatisfaction throughout the country, as witnessed by a large number of complaints to the committee and individual members of Congress, the Senate Committee on Commerce recommended passage of the bill.

> Under the circumstances, your Committee believes that when fans are unable to attend the home games of a local professional team because tickets are unavailable, the public's overriding interest in the larger and more effective use of the airwaves should enable them to view these games.[10]

On the House side, a report by the Special Subcommittee on Investigations of the Committee on Interstate and Foreign Commerce was published in July, entitled "Evaluation of the Necessity for the Television Blackouts of Professional Sporting Events." The investigation had begun in September of 1972 to re-evaluate the blackout question with particular reference to the Communications Act of 1934, and was to provide information for the Committee on Interstate and Foreign Commerce. In its report the subcommittee concluded that the NFL clubs no longer needed the degree of protection granted by Congress in 1961, and recommended that the Communications Act of 1934 be further amended to:

> (1) Prohibit television blackouts in home territories of any professional football club whose tickets for admission to all regular season home games (not necessarily exhibition games) are no longer available for purchase by the general public prior to the beginning of the season; and
>
> (2) limit the blackout area for those professional football clubs permitted to have television blackouts of home games to the area of signal penetration by the television stations located in, or that principally serve, the same city as the stadium where the games are played.[11]

The House Committee on Interstate and Foreign Commerce followed up the report by holding hearings on various blackout bills in July, August and September of 1973. In its report, House Report 483, 93d Congress, first session, the committee noted that the legislation proposed would not involve any costs to the federal government, and concluded:

> Your Committee believes that professional sports clubs have benefitted substantially from legislation previously enacted by the Congress, exempting certain of their activities from the operation of the Federal antitrust laws. . . . While the legislation may result in some additional "no shows" at sold out games which are televised under its provisions . . . the benefits that flow from its enactment far outweigh these shortcomings. Your Committee is convinced that this legislation serves the public interest and urges its speedy enactment.[12]

Prodded not only by affirmative reports from both sides of Congress and the impending football season, but also by an avid sports-minded President Nixon, the Senate passed S. 1841 on September 6 by a 76-6 vote. The House followed suit one week later by passing their own version, H.R. 9553, by a 336-37 margin. The House then accepted the Senate bill in lieu of its own version with no debate, and the bill was sent to the White House for signature, becoming Public Law 107. Generally speaking, the two year bill lifted the home-game blackout of professional football, baseball, basketball and hockey games sold out 72 hours in advance.

While passage of such legislation had taken several years, final action, once Congress tested public feeling, was extremely quick. Congressman Jack Kemp of New York reportedly equated it to passage of the Tonkin Gulf Resolution which, he felt, was the only other bill the House had considered so quickly.[13] Noted columnist James Reston called it the most popular decision made since the repeal of the Volstead Act,[14] and Representative Charles J. Carney, Ohio Democrat, sarcastically related: "If we took care of all the people's business like we do this, we'd be doing well. There are a lot of bills a hell of a lot more important than this."[15]

Regulation of Sport Broadcasting Permits

Various other efforts at regulating some aspect of televised sporting events took place during the latter part of the sixties and early seventies. Attempts to regulate broadcasts by issuing permits for broadcasting professional sporting events were tried in 1967 (H.R. 11503), 1971 (H.R. 4974) and 1973 (H.R. 2382, 3235, 3512, 3646), but none were ever considered.

Closed Circuit Television

As early as 1951 the topic of sport on "closed circuit" television and its effect on the public was considered before Congress, when it was disclosed that a world middleweight boxing championship was only to be shown on that medium. As a consequence, Senator Hendrickson of New Jersey introduced S. Res. 208, which called upon the appropriate federal agencies to exercise the authority granted them by law to prevent a repetition of such closed circuit telecasts of events of national interest. In addition, S. Res. 208 asked specific federal agencies to advise the Senate if further legislation in the area was necessary to prevent such telecasts. On the floor of the Senate, Senator Hendrickson pleaded his case:

> Tonight it is boxing--tomorrow it may encompass the entire field of sport, entertainment, and all other events of national and international import. Mr. President, I am not unmindful of the enormous economic, social, and legal problem this situation presents, but I feel strongly that the members of the Senate cannot afford to have the tentacles of monopoly reach out and deprive our people of the privileges which should rightfully be theirs.[16]

Little more than talk resulted from Senator Hendrickson's bill. In late 1969 the impact of subscription television as it applied to sport and the public's ability to watch future events became the subject of part of a hearing in the House conducted on subscription television. Various representatives of professional football and baseball appeared before the Subcommittee on Communications and Power, of the Committee on Interstate and Foreign Commerce, to describe what effect subscription television would have on their sport. At the time proponents of commercial television were emphasizing that sports on commercial television would be siphoned off and go where the money would be--in subscription T.V.--leaving the sports fan "high and dry." Attempts by the committee members to find out whether these two professional leagues anticipated such a practice were unsuccessful as neither representative wanted to make a blanket statement without first consulting their league members.[17]

The subject of pay television of sporting events was also the topic in Congress in 1971 when it was announced that the World Heavyweight Boxing Championship between Muhammed Ali and Joe Frazier was to be held only on closed circuit television. Various members in Congress denounced this aspect of the "Fight of the Century."

> Mr. Speaker, television coverage of tonight's Ali-Frazier fight will reach only a handful of people--about one percent of a potential TV audience that approaches 200 million. And the cost of tickets for the closed circuit TV showings borders on the extortionate, making a major sports event available only to a relatively few. The vast majority of the American viewing public has been shut out of the fight.[18]

Calls for legislation on this one area where the Federal Communications Commission lacked authority to intercede were made.

> Let me state at the outset that I am all for competitive enterprise--for the right of making a profit. And I am not for nationalizing any sport. But I do believe that the Courts and the Congress have been lenient with professional sports on the basis that they are not merely businesses, but also worthy forms of public entertainment and diversions of our citizens from their normal concerns. Unless we act now to protect citizen-spectators from undue financial discrimination on availability of professional sports, because of their monopolistic--perhaps necessarily--status, enjoyment of major sporting events will inevitably become limited to the right.[19]

Predicting that the day was not far off when most major sporting events would be limited to the spectator with money, various pieces of legislation were introduced.

> There is a critical need for the passage of this preventive legislation before the lure of these unprecedented profits extends to other major spectator sports. . . . This is one instance where the threat to the public good is clear and immediate, and where preventive legislation--taken now by Congress--would be both politically feasible and effective in keeping spectator sports open to the general public.[20]

In spite of the vocal sentiment in Congress, the numerous bills presented in 1971,[21] in 1972,[22] and 1973[23] to ban sports from closed circuit television failed to emerge from their respective committees and no action was taken.

Additional Media-Related Involvement

Another area of federal involvement in sport concerning the media took place in 1973. It concerned the consideration of an inquiry by the Federal Communications Commission into whether sports broadcasts were distorted by the fact that many sportcasters were on the payrolls of the teams whose games they broadcast. The inquiry itself, however, had not been undertaken by the end of 1973.

One other aspect involving the broadcasting media took place in 1971 and concerned what was felt by some to be an oversaturation of sport upon the public. As a backlash to an increase in the length of seasons in professional sport and in the broadcast coverage of professional sporting events, Congressman Udall introduced three bills into the House (H.R. 6897, H.R. 8060 and H.R. 8061) to amend the Communications Act of 1934 to limit the seasons during which professional baseball, basketball, and football games could be broadcast. The bills were referred to the Committee on Interstate and Foreign Commerce from which they never emerged.

Spending Policies of President's Council on Physical Fitness

Finally, federal involvement in sport to protect the public's interest concerned an attack upon the spending and so-called high living policies of the President's Council on Physical Fitness which had been created by President Eisenhower in 1956. On the floor of the House, Congressman MacGregor in 1966 took the council to task:

> This House should apologize to the American people for approving a big spending increase to almost one-half million dollars yearly for President Johnson's Physical Fitness Councilors. . . . It is not too late to put a stop to the unconscionable and indefensible waste of money.24

Little response was obtained on this matter, however, and the council continued to maintain its budget.

Summary

Federal involvement for the protection of the public during the period from 1950 to 1973 resulted in passage of one piece of legislation and two judicial decisions. Passed into law was the lifting of the T.V. blackout practice of professional sports when the contest was sold out 72 hours in advance. In addition, the Supreme Court made land-mark decisions in 1955 and 1957, stating that unlike professional baseball, the professional sports of boxing and football did come under the antitrust laws of the country.

Interestingly, the only legislation which did pass during this period concerned an issue the public felt quite strongly about and expressed this sentiment to their congressmen, assuring relatively speedy passage. All other legislative proposals lacked public enthusiasm for passage, which resulted in little legislative action.

CHAPTER VI

Footnotes

[1] Toolson v. New York Yankees (1953), 346 U.S. 356.

[2] United States v. International Boxing Club of New York (1955), 348 U.S. 236.

[3] Radovich v. National Football League (1957), 352 U.S. 445.

[4] U.S., Congress, House, Congressman Stubblefield speaking to restrict television blackouts to a 75-mile radius of playing area, H.R. 7365, Congressional Record 109:12136.

[5] Ibid.

[6] U.S., Congress, House, H.R. 15128, 91st Cong., 1st sess., 1969.

[7] H.R. 12181, H.R. 12309, H.R. 12358.

[8] H.R. 12461, H.R. 16871, H.R. 16930, H.R. 16992, H.R. 17044, H.R. 17050, H.R. 17138; S. 4010, S. 4007.

[9] H.R. 625, H.R. 942, H.R. 2724, H.R. 3071, H.R. 9188, H.R. 9420, H.R. 9536, H.R. 9553, H.R. 9586, H.R. 9587, H.R. 9619, H.R. 9620, H.R. 9621, H.R. 9644, H.R. 9661, H.R. 9669, H.R. 9760, H.R. 9788, H.R. 9798, H.R. 10153, H.R. 10170; S. 1841.

[10] Senate Report 347, 93d Cong., 1st sess., "TV Blackout--Professional Sports," Committee on Commerce, 26 July 1973, p. 3.

[11] Report by the Special Subcommittee on Investigations of the Committee on Interstate and Foreign Commerce, "Evaluation of the Necessity for Television Blackouts of Professional Sporting Events," House of Representatives, 93d Cong., 1st sess., July 1973 (Memorandum), p. III.

[12] Ibid., p. 9.

[13] Congressional Record, 93d Cong., 1st sess., 119:E5997.

[14] New York Times, 15 September 1973.

[15] Los Angeles Times, 14 September 1973, p. 10.

[16] Congressional Record, 82d Cong., 1st sess., 97:11162.

[17] Hearings before the Subcommittee on Communications and Power, of the Committee on Interstate and Foreign Commerce, House of Representatives, 91st Cong., 1st sess., on H.R. 420 (and related bills) to

amend the Communications Act of 1934 so as to prohibit the granting of authority to broadcast pay television programs: November 18, 19, 20, 21, 24; and December 9, 10, 11, 12 (1969).

[18] Congressman Boland, Congressional Record, 92d Cong., 1st sess., 117:5283.

[19] Congressman Sandman, Congressional Record, 92d Cong., 1st sess., 117:5892.

[20] Congressman Aspin, Congressional Record, 92d Cong., 1st sess., 117:7054.

[21] S. 1435; H.R. 6718, H.R. 7127, H.R. 7679, H.R. 7680, H.R. 8102.

[22] H.R. 7689, H.R. 15620.

[23] H.R. 2239.

[24] Congressman MacGregor, Congressional Record, 89th Cong., 2d sess., 112:21791.

CHAPTER VII

FEDERAL INVOLVEMENT TO PROTECT THE ATHLETE

1950-1973

Compared to other areas of federal involvement in sport, protection of the athlete was quite miniscule except for federal involvement to protect the rights of athletes to compete and to protect American interests (these aspects will be covered in a later chapter). Federal involvement solely for the protection of the athlete involved three main areas: the safety of the athlete, the rights of the professional athlete as an employee, and protection of the individual rights of the athlete.

Safety of the Athlete

As in the other periods studied, attempts to protect the boxer by banning the sport surfaced during this time span. Voices were heard in Congress in the early sixties, calling for boxing's ban because of fatal injuries to two participants. In 1962 professional boxer Ben Paret's death in the ring triggered a movement to ban the sport by Senators Kefauver, Mansfield, and former Senator O'Mahoney.

> This is an opportunity for the Congress of the United States to place on President Kennedy's desk a bill outlawing prizefighting. If the action is taken today by the Member of the Congress to introduce this legislation, the whole world can be aroused to the importance of our taking positive and immediately action to abolish those brutal tendencies in mankind which have led the whole world to the very brink of nuclear destruction.[1]

Although bills to abolish the sport were not framed, attempts were made in 1962, this time by Congressman Multer, to prohibit the broadcasting of boxing matches either on television or radio, by the introduction of Bill H.R. 11074.

> It seems incomprehensible to me that we can continue to allow this legalized murder to go on. If the boxing commissioners of the various States cannot, or will not, see that proper precautionary measures are taken then I cannot see any alternative but to have the Federal Government intervene. Unfortunately we can only forbid the broadcasting of this mayhem and thus take some of the profit out of it.[2]

One year later, in 1963, another professional boxer was killed--Davey Moore--and again another attack on boxing was made in Congress.

> Mr. Speaker, in the light of ring deaths in the past year among boxers of title caliber there is no longer any moral or legal justification of this as a sport. . . . In no other sport is it the principal aim of a contestant to scar, maim, or induce concussion on his opponent. It is ludicrous that a society which prohibits cock fighting condones assault and battery as a public spectacle.[3]

Congressman Carey then proceeded to introduce legislation calling for the abolition of boxing (H.R. 5173), but it failed to generate action and no further attempts in this vein were made during this period, although much legislation was introduced to investigate boxing and control it, an area to be explored in a later chapter.

With the rise in concern for product safety, sparked by consumer advocate Ralph Nader in the later 1960s, came also an awareness in Congress of hazardous consumer products. This resulted in the enactment of Public Law 146 in November of 1967, which created a National Commission on Product Safety. In 1970 the commision filed its report to the President and the Congress, noting some sixteen categories of consumer products which were unreasonably hazardous to consumers. One of these categories proved to be protective headgear, including football helmets. In 1972 the House Subcommittee on Commerce and Finance, of the Committee on Interstate and Foreign Commerce, held hearings on the potentially hazardous products that the National Commission did not have time to cover, in hopes of recommending legislation to create a broad public safety agency. Included in the hearings was testimony concerning artificial turf and its effect on athletic injuries. While no immediate action was taken in this regard, it seems evident that Congress was cognizant of the growing number of injuries to athletes relating to artificial surfaces.

Later, in 1972, as a direct result of the rise in injuries, Congressman Dellums introduced H.R. 16447, the Athletic Safety Act, which would have placed high school and college athletes and contests under the Occupational Safety and Health Act of 1970. If passed, athletes would have been protected the same as workers against hazards to which they might be exposed. Citing that each year there were over 600,000 football injuries in high schools, Congressman Dellum singled out the causes:

> We know that too many schools and colleges do not follow sound safety practices; we know the pressures on the schools and the coaches to produce winners; and we know those pressures result in sacrificing the safety of the athlete for the athletic prestige of the school. We know that accidents are not inevitable--they can be reduced with proper practices, equipment and availability of care. We cannot rely on the benevolence of the schools or the coaches; we must protect the health and safety of our athletes with federal legislation--and that is exactly what the "Athletic Safety Act" does.[4]

In addition, Congressman Dellum's bill would have assured that student athletes would have available qualified student trainers. Like so many bills before it, H.R. 16447 was sent into committee where it died, as did a similar attempt made in 1973--H.R. 2575.

Another approach in relation to interscholastic injuries suffered in sport competitions was taken in 1973 when Congressman Dellums again introduced legislation, this time calling for all educational institutions engaging in interscholastic athletic competition to employ certified athletic trainers. Dellums introduced five bills to this effect, but none passed.[5]

Other areas remotely relating to the protection of sport, specifically the athlete, concerned an attempt in Congress in 1969 and 1970 to prohibit the practice of soring horses, an act which deliberately made the legs, ankles and hooves of the Tennessee walking horse alter its gait by the use of chains, tacks, rollers and chemicals. Twenty-seven bills were introduced in 1969 in Congress,[6] aimed at prohibiting such practices, followed by four in 1970.[7] None ever emerged from their committees. Also, an attempt in 1967 to pass S. 2137, to regulate the sport of parachuting, met with inaction on the part of Congress.

A final attempt to involve the federal government in the safety of the athlete took place in July of 1973, when the Senate Subcommittee to Investigate Juvenile Delinquency, of the Committee on the Judiciary, included in their investigations a hearing on the "Proper and Improper Use of Drugs by Athletes." Testimony was taken from representatives of national athletic associations, physicians, trainers, researchers and athletes on this matter, producing over 800 pages of hearings. No resultant action from these hearings occurred during the remainder of 1973, primarily due to the fact that they were more of an investigation than an attempt to pass a particular piece of legislation. The hearings did demonstrate the concern of members of the federal government about the safety and well-being of young athletes of the nation.

Professional Athlete's Rights as an Employee

Along with the rise in attention to individual rights and freedoms in the fifties and sixties came a corresponding interest in the individual rights of athletes. One area of particular legislative concern pertained to tax relief for athletes. Within the tax structure of the United States, it has been possible for companies and corporations to gain depletion allowances or other forms of tax relief for resources or equipment that are depleted or known to have a definite useful life span. Several attempts were made in Congress to apply this principle of income tax deduction to the professional athlete.[8] In justifying his bill, Congressman Santangelo argued that

> . . . a professional athlete uses up his physical resources which are necessary to his livelihood, in a relatively short span of years. . . . Ths income-producing potential of most persons, other than athletes, increases as they reach their forties, whereas the potential of athletes reaches its height at the age of 30 and decreases as they grow older.[9]

Had the bill passed it would have provided professional athletes the right to annually deduct 15 percent of their gross income derived from participation in sport. It was not clear whether athletes could have lumped income due to endorsements into their pay which accrued from the club which held their contract. Regardless, this and subsequent bills set out with the same aim failed to gain support.

A series of other bills were introduced during a later period and comprised an attempt to gain tax relief from Internal Revenue for athletes who won national or international prizes.[10]

The rationale was that these awards were comparable in many ways to awards such as the Nobel and Pulitzer prizes which are awarded on the basis of national or international selection. The question of double standards for award winning athletes was the key argument. In spite of the fact that civil rights was a popular concern at this time, all these legislative efforts failed to generate an enthusiastic rank of supporters and died in committee.

The final area of federal involvement as it pertained to the professional athlete as an employee occurred in 1972 when the Special Subcommittee on Labor of the Committee on Education and Labor of the House held hearings on labor relations problems in professional sports. The hearings were one part of a larger series of hearings which were being held to examine the effectiveness of the National Labor Relations Act. To this end, athletes who were employees of professional sport clubs participated in the hearings.

Indirectly relating to the protection of the athlete as an employee at this time were congressional attempts to aid two umpires. In 1968 veteran American League baseball umpires Bill Valentine and Al Solerno, were fired by the president of the American League shortly after they had conferred with a National League Umpire Association concerning the creation of a similar organization for the American League. Feeling that individual rights were being abridged, Congressman Rostenkowski brought the action to the attention of the House.

> In my opinion, in the event the American League, as it certainly appears to have done, can flagrantly violate the laws of this Congress and destroy the livelihood of two men who have devoted their lives to the business of baseball, then this Congress must investigate and inquire into the nature of such dismissals and the structure of the entity that gives rise to such a position.[11]

Similar expressions of disfavor with the decision were made in Congress and peaked in June of 1969 when seventeen congressmen supported Solerno and Valentine's cause before the National Labor Relations Board.[12] Further legislative efforts in this matter faded at the close of 1969 and little was heard on the subject in subsequent years.

Protection of the Rights of the Athlete

Prodded by the Civil Rights Act of 1966 and the ensuing emphasis on individuality during the latter part of the 1960s, came a new emphasis in the 1970s on two areas pertaining to the rights of athletes. One aspect concerned itself with the individual rights of professional athletes, especially with regard to their ability to determine their own destiny with reference to trading policies in team sports. Three bills came forth in this area: H.R. 15502 in 1970 which provided that certain employment restrictions on players or teams in professional sports was an illegal restraint of trade, and S. 3900 (1972) and S. 2768 (1973) which called for the protection of the constitutional rights of athletes. None of the measures generated any positive action in Congress and they died at the end of their respective sessions.

Of more interest and greater consequence was passage by Congress in 1972 of the Education Amendments Act. Significant in the Act was Title IX which prohibited sex discrimination in education programs or activities receiving federal financial assistance. Designed to end all discrimination in education based on sex, its impact through 1973 on athletes throughout the United States was felt even though the Office of Civil Rights, which had been given the task of writing the regulations for its implementation, had not yet published its guidelines. Athletic programs in schools and colleges suddenly began to include more women in their programs, while agencies such as the National Collegiate Athletic Association (NCAA) attempted to maintain the male programs already in existence. Females soon demanded to join previously all-male teams and leagues, both in and out of schools. By the end of 1973 schools were scrambling to comply with what they felt would be Title IX regulations, while outside of school attacks were being made on such traditional all-male programs as the Little League. As if to insure implementation, Congresswomen Griffiths in the same year introduced three separate pieces of legislation (H.R. 8864, H.R. 8978 and H.R. 10863) to amend an earlier congressional act which incorporated Little League baseball to provide that the league was to be open to girls as well as boys. Although no action resulted on the bill, the potential legislation sparked an internal response within Little League baseball as it eventually changed its rules to permit girls to play.

Summary

In spite of various attempts to protect athletes from the standpoint of safety and their rights as individuals and as employees, only the individual rights area contained definite action in the form of Title IX. Despite the fact that its guidelines had not yet been set down, by the end of 1973 the attention generated was sufficient to spark action within college and school athletic programs. Interestingly, of all the issues involved in this area of protection, Title IX was the only area which generated any kind of emotional controversy and, likewise, was the only legislation to receive attention.

CHAPTER VII

Footnotes

[1] Joseph C. O'Mahoney, former senator, letter in Congressional Record, addressed to The Honorable Mike Mansfield, Majority Leader, U.S. Senate, 87th Cong., 2d sess., Vol. 108, 3 April 1962, p. 5878.

[2] Congressman Multer, Congressional Record, 87th Cong., 2d sess., Vol. 108, 1962, p. 5852.

[3] Congressman Carey, Congressional Record, Vol. 109, Part 4, 88th Cong., 1st sess., 1963, p. 5006.

[4] Congressman Dellums, Testimony before House Special Labor Subcommittee, Congressional Record, 92d Cong., 2d sess., Vol. 118, 13 September 1972, p. E8630.

[5] House Resolutions 7795, 11140, 11141, 11304, 11789.

[6] See Congressional Record, 91st Cong., 1st sess., Vol. 115.

[7] House Resolutions 15692, 18595, 18643, 19167.

[8] The first of these bills was introduced by Congressman Santangelo in 1957 (H.R. 7609). At about the same time, H.R. 8022 was likewise placed before the House. Over the years a series of other bills were framed: S. 3282 (1958), H.R. 3205 (1959), H.R. 8239 (1961) and S. 2057 (1963).

[9] Congressional Record, 85th Cong., 2d sess., Vol. 104, Part 1, 1958, pp. 441-42.

[10] The first such bill was S. 2397, introduced by Senator Smathers in 1967. It was followed in 1968 by H.R. 12453, H.R. 13190, H.R. 13809, H.R. 13823, H.R. 13825, H.R. 13875, H.R. 13946, and H.R. 13979; in 1969 by H.R. 1277, H.R. 5819, H.R. 6507, and in 1971 by H.R. 1360 and H.R. 5887.

[11] Congressional Record, 90th Cong., 2d sess., Vol. 114, 26 September 1968, p. 28385.

[12] Congressional Record, 91st Cong., 1st sess., Vol. 115, 19 June 1969, p. 16696.

CHAPTER VIII

FEDERAL INVOLVEMENT TO PROTECT SPORT

1950-1973

From 1950 to 1973 the federal government was active in two areas pertinent to the protection of sport. One concerned the granting of incorporation or charter rights to sporting groups and the other concerned actions arising out of the 1922 Supreme Court antitrust decision protecting baseball, which resulted in the attempt by other professional sports to obtain the same exemption. Both of these subject areas will be covered in this chapter. Because the latter area entails a vast amount of coverage dealing with antitrust and because of the intricate nature of the topic, the entire area of antitrust and sport will be covered chronologically within the section of this chapter. It is conceivable that in this discussion of antitrust, not all the areas to be covered can be considered under the heading "protection of sport"; however, to omit them would reduce the overall continuity necessary to the understanding of this subject. Additionally, some topics already discussed, such as blackout practices, will again be covered because they involve protection of sport.

Incorporation and Charters

Attempts to gain recognition, endorsements and special favors from the federal government during this era no longer were restricted to civic organizations and agencies, but were extended very early in the period into the area of sport.

In 1950 the first official American government recognition of an American amateur athletic organization took place with the passage of H.R. 9111 into Public Law 805,[1] incorporating the United States Olympic Association.[2] With its passage, the United States Olympic Association became the sole governing force in the United States and was responsible for all aspects of American participation in the Olympic or Pan-American games. Prior to this period the United States Olympic Association operated without any official endorsement of the federal government but, as the international games grew in popularity, a need arose for the United States Olympic Association to protect its interests and the result was incorporation. Besides gaining exclusive jurisdiction over matters pertaining to the participation of the United States in the Olympic and Pan-American games, incorporation also gave the association the power to organize, select, finance, and control the representation of the United States in these matters and also protected the Olympic name and insignia. In return the association was to transmit a written yearly report to Congress.

Seemingly insignificant at the time, controversy concerning the association's iron-like grip on American representation in these international games was to become very topical after the 1972 Munich Olympics. However, at the time of passage of Public Law 805, very little notice was taken.

The incorporation of the Olympic Association sparked similar attempts at incorporation or chartering by other sporting organizations as they too sought protection of their organizations. One successful group was Little League baseball whose first attempts began in 1963 with the introduction of H.R. 9234 by Congressman Forrester. The Committee on the Judiciary in the House reported the bill out favorably in December, and its Senate counterpart followed suit in January of 1964.

> The committee believes that the granting of a federal charter would be an appropriate recognition of the national stature which Little League has attained and will encourage its further development, and accordingly recommends favorable consideration of this bill, H.R. 9234, without amendment.[3]

On July 16, 1964 H.R. 9234 was signed in Public Law 378 and Little League became the second member of an elite sport group to be granted incorporation rights. In spite of the fact that incorporation of the United States Olympic Association and Little League baseball met with little resistance in Congress, other organizations did not fare as well. In 1967 the United States Track and Field Assocation, possibly as one means of gaining more control of amateur track and field from the Amateur Athletic Union, attempted incorporation through S.J. Res. 59. Probably due to the potential conflict between the Amateur Athletic Union and the track and field association, or perhaps because of the lack of significant public support, the bill never emerged from the Senate Committee on the Judiciary. Football's counterpart to Little League, Pop Warner, also attempted to obtain incorporation, beginning in 1971. A barrage of eleven bills were introduced in Congress,[4] together with some typical American congressional rhetoric on the need for passage.

> Pop Warner's method of combining exceptional athletic accomplishments with high academic standards in our young citizens is a worthwhile endeavor. This program is an asset to the maintenance of a strong nation by building healthy and intellectually competent youth who can assume the burdens of leadership in the future.[5]

None of the bills emerged from the Judiciary Committee, nor did bill S. 752, submitted in 1973.

Only one other organization attempted to obtain the protective features of incorporation during this period: the Golf Hall of Fame. Three bills for incorporation were introduced: one in 1972 (H.R. 15901) and two in 1973 (S. 252 and H.R. 6461). None were released from their Judiciary committees, thereby insuring their demise at the end of the Congress. This left only two organizations with the protective cover of incorporation at the end of 1973--the United States Olympic Association and Little League baseball.

Attempts at Antitrust Exemption for Professional Sport

It did not take long for the federal government during this time span to become involved in the antitrust aspect of professional sport. In July, August and October of 1951, House hearings were held for sixteen days by the Subcommittee on the Study of Monopoly Power of the Committee on the Judiciary concerning organized baseball. As previously mentioned, professional baseball in 1922 was granted immunity from the antitrust laws and, as a result, the industry regulated itself without having to comply with the laws relating to monopolies and restraint of trade. In spite of this, several treble-damage actions under the antitrust laws were brought against professional baseball in the early fifties relating to many of these self-regulation practices. In the opening statement of the hearings, Chairman Emanuel Celler outlined several of the growing problem areas.

> The subcommittee has been made aware of various expressions of discontent regarding certain of the practices which have for

> a long time been associated with organized baseball. The subject of these expressions has included the reserve clause, the farm system, the powers of the high commissioner, franchises and draft problems, and the geographical distribution of the clubs. Furthermore, most recently there have been added problems relating to the broadcasting and televising of baseball games.[6]

Celler then set the tone of the hearings which were to look for ways of protecting rather than persecuting the American pastime.

> In this connection it should be clear, in the event any of the plaintiffs are successful and the cases result in an injunction against the operation of the various rules and regulations of baseball, it is not unlikely that this sudden change would have a marked effect on the game. Thus there would be endangered the livelihood and the investment of the thousands of people who are presently dependent on organized baseball, and properly so, as our national pastime.[7]

Resting in Congress at this time were three House bills (H.R. 4229, H.R. 4230, and H.R. 4231), soon to be followed by another in the Senate (S. 1526), to exempt baseball and other professional sports from the confines of the antitrust laws. The hearings focused upon those bills and the application of antitrust laws to baseball:

> The courts now can find only whether or not certain activities are in violation of the antitrust laws. The subcommittee's duty and task goes further for we will not only seek to clarify baseball's relationship to the antitrust laws, but we will also endeavor to determine whether the public interest requires an exemption. Specifically, if baseball falls within such laws, we will not pass judgment on the bills which are before us until there has been a full and objective inquiry. Therefore, both by reason of the pending bills and the pending suits and the potential effect upon baseball and the economy which these pending suits may have, it has been determined that the subcommittee will conduct this inquiry.[8]

After sixteen days of hearings, which comprised 33 witnesses and yielded over 1600 pages of testimony, the committee presented its report in May of 1952.

The subcommittee concluded, from discussions with witnesses at the hearings--representing both players and management--and a questionnaire that was sent to 105 baseball writers, that the reserve system was necessary for the future success of professional baseball even though it was a restrictive practice. The subcommittee outlined five alternative solutions which were available and which the subcommittee could recommend. These were:

> (1) Legislation outlawing the reserve clause
> (2) Favorable consideration of the bills designed to give baseball an unlimited exemption from the antitrust laws
> (3) The enactment of a comprehensive baseball code, to be enforced by a governmental agency
> (4) A limited exemption for the reserve clause, or
> (5) That no legislation be enacted at that time.[9]

Though the subcommittee listed the possibility of the rejection of the reserve clause, it was not ever seriously considered as an alternative with reference to the bills that were before Congress at this time--bills which were designed to give baseball unlimited exemption from the antitrust laws. The subcommittee noted that even the sponsors of such legislation conceded that it would be unwise for Congress to enact their bills into law without amendment; as a result, the subcommittee reported the bills unfavorably. In addition, the idea of a federal agency to regulate baseball also met with the subcommittee's disapproval.

> Congress cannot properly, nor should it, enact a comprehensive code to govern every detail of baseball's business. It would be unwise in the extreme to saddle professional baseball with a new governmental bureau to control its testing. The substantial expense of creating and maintaining such a new Federal agency should not be added to the great burdens which are already being borne by the American taxpayer. But, foremost, the subcommittee is thoroughly convinced that baseball's best interests would not be served by subjecting it to governmental supervision. It will be far better for the industry to work out its own solutions to the problems confronting it.[10]

To the idea of legislation to give limited exemption to baseball, the subcommittee left it up to the courts to act first.

> Though lawsuits have been filed against organized baseball in recent years, in none of them has the court yet passed on the reasonableness of the reserve clause. The Department of Justice has not disputed baseball's position that the reserve clause is legal under the rule of reason. It would therefore seem premature to enact general legislation for baseball at this time. Legislation is not necessary until the reasonableness of the reserve rules has been tested by the courts.[11]

Therefore, the subcommittee decided to adopt the fifth alternative, namely, to recommend no legislative action.

One year later the Supreme Court did decide on this matter of the reserve rule and baseball's 1922 exemption from the antitrust laws in the noted case of Toolson v. New York Yankees. In its ruling (346 U.S. 356) the court upheld the 1922 decision that Congress had no intention of including the business of baseball within the scope of the federal antitrust laws.

In 1953 the application of the antitrust laws to the broadcasting and televising of professional baseball became a topic in Congress as legislative attempts were made to protect several aspects of the game. The problem was the idea of unrestricted broadcasting and telecasting of baseball games and the effect it would have on baseball, especially in the minor leagues. Previously, professional baseball had recognized the need of protecting minor league clubs from unrestricted broadcasts of major-league games, and orders were issued by the Commissioner of Baseball in the thirties to prohibit major-league clubs from authorizing broadcasts of their games in minor-league cities and towns where the local clubs objected. The major leagues formalized these regulations by the adoption in December, 1946, of major-league rule 1(d) which prohibited a major-league club from authorizing a broadcast or telecast of any of its games to be made from a station located outside its home territory and within the home territory of another club, major or minor, without the other club's consent.

In 1948 the Commissioner of Baseball was requested by the Assistant Attorney General to submit information concerning the operations and organization of major leagues in connection with broadcasting and telecasting of baseball games. As a result, an amendment of Rule 1(d) was adopted whereby the prohibition against a club authorizing a broadcast of its games from a station located outside its home territory and within the home territory of another club without its consent was limited to the time the other club was playing a home game. In addition, during the time a local club was telecasting one of its road games, a major-league club could not authorize the telecasting of its game from a station located within the local club's home territory without the local club's consent.

In May, 1951 the Department of Justice advised the baseball leagues that it was reopening its investigation of broadcasting of baseball games, principally because of the complaints levied by certain broadcasting stations regarding the broadcasting and telecasting practices of other professional sports. During conferences between the Department of Justice and counsel for baseball in the period of May to September, 1951, the Department of Justice requested the baseball representatives to negotiate the terms of a consent decree which in effect would restrain them from exercising any control as leagues over the use and sale of rights to broadcast and telecast major-league games. At this time one of the six treble-damage suits for alleged violations of the antitrust laws, which were being filed against various clubs and representatives of organized baseball's reserve clause, attacked the rules and agreements of baseball concerning broadcasting. In spite of the fact that baseball repeatedly asserted the position that Rule 1(d) was reasonable and lawful, changes occurred.

> Without receding from that position, but faced with the great burden of private litigation, baseball repealed major league rule 1(d) on October 8, 1951, in order to avoid the antitrust prosecution by the Department of Justice.[12]

Meanwhile, the minor leagues in baseball were finding that since 1949 (the year tampering with Rule 1(d) began) their popularity was diminishing. From 1949 to 1953 minor-league baseball leagues decreased from fifty to thirty-eight, and attendance from 1949 to 1952 dropped from 41 million to 25 million.[13] This decrease was attributed to unrestrictive broadcasting and telecasting, and as a result legislative action was attempted in 1952 to allow baseball to restrict its broadcasting with the introduction of S. 1396 by Senator Johnson of Colorado, by which baseball's old Rule 1(d) was to be declared legal. Under bill S. 1396, a club could not authorize broadcasts of its games from a station outside its home territory and within the home territory of any other club, major or minor, without the other club's consent. Hearings were held on the bill in May of 1953 before a Subcommittee on Interstate and Foreign Commerce. In its report the subcommittee stated:

> The bill S. 1396 in the opinion of the Committee would stop the trend of the destruction of minor league baseball and forestall a liquidation of the sport itself. This is permissive legislation which gives baseball clubs, baseball leagues, and baseball associations authority to adopt a rule with respect to the broadcast and telecast of professional baseball exhibitions. The Antitrust Division of the Department of Justice,

> doubtless with the best of intentions but with disastrous effect, nevertheless imposed a chaotic and destructive condition upon organized baseball. Consequently, unless clarification through legislation is had immediately, the backbone of America's national pastime--the minor baseball leagues--will be crushed.[14]

Stating that it was imperative that S. 1396 pass, the subcommittee left it up to Congress to act. Before legislative action could begin, a Federal District Court in Pennsylvania, ruling on the applicability of the National Football League's practice of restricting the televising of outside games into the home territory of another home team that was playing at home, declared the practice was reasonable and not, therefore, a violation of the Sherman Act.[15] As a result, further attempts in this vein ceased--at least, for the time being.

The subject of antitrust and baseball came up again in 1954 when Congress attempted to enact legislation to protect minor leagues, this time in conjunction with endeavors to save the small breweries. In February of 1954 Senator Johnson of Colorado introduced S.J. Res. 133 to make the antitrust laws applicable to professional baseball clubs affiliated with the alcoholic beverage industry. Taking aim at Mr. August Busch who, as president of the Anheuser-Busch Brewing Company, had purchased the St. Louis Cardinals, Senator Johnson hoped his legislation would save minor league baseball in the future because the Cardinals were extending their broadcast coverage into minor league cities.

> This spring [Mr. Busch] is launching a wholesale invasion of minor league baseball territory in the Midwest. With total disregard for the welfare of these local clubs or the local breweries which serve their communities, Mr. Busch is broadcasting Cardinal ball games and Budweiser beer on an Anheuser-Busch network of 120 stations.[16]

Citing that it appeared certain members of the alcoholic beverage industry were acquiring ownership or control of some baseball clubs to be used as subsidiaries to their main business of brewing and selling beer, coupled with the fact that such ownership resulted in monopolization which would result in a further decline in the number of breweries, S.J. Res. 133 called for the application of the antitrust laws to only those baseball clubs affiliated with the alcoholic beverage industry. In hearings before a Senate Subcommittee of the Committee on the Judiciary, Senator Johnson addressed his feelings on the topic to Mr. Busch, with a warning:

> If you continue your present program of tying baseball to the brewery industry, and if you continue to exploit baseball to sell beer, you will compel the Supreme Court to reverse its decision in the Toolson case as certain as you are sitting at this table today.[17]

S.J. Res. 133 was reported out of committee favorably by the Antitrust Subcommittee on June 19, 1954, to the Judiciary Committee which, on August 2, 1954, postponed its consideration of the bill indefinitely.

During the fifties the Supreme Court was also busy with other professional sports besides baseball, with reference to the applicability of antitrust. In 1955 professional boxing asked the Supreme Court for exemption from the antitrust laws similar to that enjoyed by baseball. In its decision, U.S. v. International Boxing Club (348 U.S. 236), the Supreme Court refused to extend the 1922 decision to boxing. Two years later, in 1957, the court ruled in a similar fashion in Radovich v. National League (352 U.S. 445) that professional football did come under the provisions of the antitrust laws. As a result, the courts specifically limited the exemption from antitrust solely to organized professional baseball. "As long as the Congress continues to acquiesce we should adhere to--but not extend--the interpretation of the Act made in those cases."[18] As to the possible charge that the ruling would be branded discrimination for not following the precedent set by the 1922 decision, the court challenged the Congress to act.

> We, therefore, conclude that the orderly way to eliminate error or discrimination, if any there be, is by legislation and not by court decision. Congressional processes are more accommodative, affording the whole industry hearings and an opportunity to assist in the formulation of new legislation. The resulting product is therefore more likely to protect the industry and the public alike.[19]

Therefore, while the 1952 Senate Report on Organized Baseball had argued non-action in Congress because of judicial inaction, the courts in turn were chiding Congress for not acting. The result was a flurry of legislative bills introduced into the first session of the 84th Congress (1955) to solve the incongruity.

Basically three types of bills were submitted:

(1) Bills H.R. 5307 and H.R. 5319 would have placed baseball, like other professional sports activities, under the antitrust laws. As such, the courts would be permitted to determine upon the facts of each individual case whether or not any particular agreement or trade practice constituted an unreasonable restraint of trade.

(2) H.R. 6876, H.R. 6877, H.R. 8023 and H.R. 8124 would have included all professional sports under the antitrust laws, with the exception of (a) playing rules, (b) organizations of leagues and associations, (c) contracts and agreements between leagues and between clubs relating to the right of the parties to such contracts or agreements to operate within specified geographical areas, and (d) employment of players.

(3) H.R. 5383 would have granted complete antitrust exemption for various professional sports enterprises as well as for acts in the conduct of such enterprises.

Hearings were held in June, July and August of 1957 on these bills (before the House Antitrust Subcommittee of the Committee on the Judiciary), for a total of fifteen days. Fifty-one witnesses were called and over 3,000 pages of testimony produced. Possibly due to the divergent types of bills dealing with the issue, no formal action of any kind was taken on the proposed bills, and they died. Legislative attempts to change the situation did not end. In January, 1958, the House Antitrust Subcommittee voted to recommend to the full Judiciary Committee a bill which would make the business aspects of professional team sports subject to the antitrust laws, exempting only those non-business aspects of activities which were so-called "reasonably necessary" to the preservation of the game. In addition, H.R. 13078 also attempted to save the minor leagues by prohibiting broadcasts by major league teams into minor league cities at certain times and called for the termination of major league ownership of minor league clubs. H.R. 10378 proceeded to draw criticism over the ambiguous nature of "reasonably necessary," since the possibility existed that under its provision every dispute concerning playing aspects of professional team sports could be litigable. This in turn could have invited endless court suits by disgruntled players. An example of the feeling against the term appeared in the Sporting News at this time:

> Every individual or group with a complaint against professional sports will be able to challenge the reasonableness of sports laws and practices--~~and~~ challenge them under the very antitrust laws from which the bill professes to give professional sports certain exemptions.20

In its report on H.R. 10378, however, the House Committee on the Judiciary reported the bill favorably and recommended its passage even though seven members of the committee voiced their disapproval to the "reasonably necessary" part of the bill.[21] In June the House passed H. Res. 595 to consider H.R. 10378 and floor debate took place. As expected, the focus of attention on the floor was on the "reasonably necessary" part of the bill. Several other substitute identical bills were introduced at this time,[22] but these bills excluded the "reasonably necessary" part of the original bill and inserted instead specific exemptions.

With the professional baseball lobby totally against the original bill, H.R. 10378 was amended in the House and the "reasonably necessary" clause was eliminated and replaced by specific exemptions. In June of 1958 the amended bill passed the House, thereby allowing for complete exemption from the antitrust laws for all essential aspects of the business of organized team sport exhibitions, with exemptions granted to some of the nonbusiness and strictly sport phases of professional sport.

Hearings for the Senate's version of H.R. 10378, S. 4070, began in July, 1958, with support from the New York Times.

> The House of Representatives acted wisely and decisively when it adopted, by voice vote, a liberal bill to exempt some of the nonbusiness and strictly sport phases of professional sports from antitrust legislation. The Senate will be well advised not to bury this measure under prolix committee operations but to let it come out promptly and be approved.[23]

Amid controversy the Senate entertained hearings, which included strong opposition voiced on the carte blanche exemptions by the Antitrust Division of the Justice Department and the Federal Trade Commission.

Believing that the session would end before the measure could be brought to a floor vote, the Subcommittee on Antitrust and Monopoly voted to table H.R. 10378 and S. 4070 on August 1, 1958, and the bills died in subcommittee at the end of the session.

In the first session of the 86th Congress, attempts began again to pass legislation to clear up the conflicting situation existent in professional sport. In January of 1959 Senators Hennings, Dirksen, and Keating introduced S. 616 which was quite similar to S. 4070 of the previous session of Congress, but it contained more limited antitrust exemption for the telecasting and broadcasting of organized professional team sports.

One month later Senator Kefauver introduced his controversial bill, S. 886, which was to make the antitrust laws applicable to professional baseball and would limit the applicability of the antitrust laws so as to exempt certain aspects of professional team sports. Besides allowing teams to control the administrative aspects of sports, such as employment, contracts and the reserve system, the bill had a special provision reserved solely for baseball which limited the privilege of exemption from the antitrust laws to the control of no more than eighty players by any one club at any given time. It was hoped by this provision to give some relief to the minor leagues in that at the time major league baseball teams had upwards of 400 players under contract. In addition, the bill allowed professional baseball and football to regulate the right to operate their clubs within a specific radius of 35 miles of the ball park. It also exempted the broadcast and telecast of sports contests from the antitrust laws, provided that any agreements, rules or conduct with respect to such broadcasts and telecasts were to be found by the Federal Communications Commission to be reasonably necessary. In July the Antitrust Subcommittee of the Senate Judiciary Committee held hearings on both S. 616 and S. 886. Senator Keating, co-sponsor of S. 616, voiced his opinion of Senator Kefauver's bill, S. 886, even before the hearings began and echoed a long-standing American sentiment toward government intrusion into the private sector:

> Unfortunately, the bill [S. 886] of the Senator from Tennessee aims to intrude unduly the long arm of Uncle Sam into the activities of professional baseball, football, basketball and hockey. He proposes to interfere too much with the free and open competitive practices of these sports by placing too great an emphasis on Federal regulation of them.[24]

Hearings were held for four days in late July, 1959, before the Senate Subcommittee on Antitrust and Monopoly.[25] As they proceeded it became apparent that there were not only differences in the legal status of each sport, but there were also fundamental differences in their operations, especially with reference to baseball's minor league system. As a result, the Antitrust and Monopoly Subcommittee was unable to arrive at an overall bill dealing with all professional team sports. Shortly afterwards, in an attempt to come up with an all-encompassing bill, Senators Kefauver, Dirksen and Hennings introduced S. 2545 which called for limited antitrust exemptions to the professional sports of football, basketball and hockey. In addition, an exemption from the antitrust laws was to be granted to allow 75-mile telecast blackouts of games. The subcommittee reported to the Committee on the Judiciary and recommended favorable action. The new bill proceeded to run into opposition mainly because of its exclusion of baseball.

> The great fault in the new measure, of course, is that it does not come to grips with the problem of spelling out by legislation the status of professional baseball under the antitrust laws.[26]

S. 2545 received no further attention in the Congress for the remainder of the session, nor did any of the previous bills submitted.

On the House side the picture was similar. Several bills to limit or exempt the applicability of the antitrust laws were introduced.[27] Hearings were held in September of 1959 by the House Antitrust Subcommittee. Just like the Senate, no action was taken by the subcommittee on any of the legislative proposals pending before it.

Attempts were made again in 1960 when Senator Kefauver submitted a revised edition of S. 2545. The new bill, S. 3483, consisted of two sections. Section I called for basically the same exemptions for football, basketball and hockey as the previous 1959 bill, S. 2545. One additional inclusion in this section was a restriction on professional football telecasts into cities where college football games were being held. The second section was directed at baseball alone, as it granted generally the same exemptions to baseball as were granted to other team sports except that it added restrictions to the reserve clause exemption. Furthermore, there was discussion of the creation of a possible third major league to be known as the Continental League. Provisions were in the bill which would make it an antitrust violation to prevent, hinder, or obstruct the formation or operation of the new league. Hearings were held by the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary in May, 1960 (three days: 19, 20 and 24 May).

In its report the Committee on the Judiciary reported S. 3483 without recommendation to the Senate, preferring to leave it up to the Senate to decide the fate of the bill.[28] The belief was that it would be better to debate the bill on the floor than to have it die in committee or have it discussed so long in committee that it would be reported too late for passage at that session of Congress. Once on the floor of the Senate for debate, it was soon evident that further study of the bill was needed and the Senate voted on June 28 to send the bill back to committee for further study, an act which practically guaranteed its termination.

1961 T.V. Exemption for Professional Football

In 1961 the topic of television blackouts of professional sport and their applicability to the Sherman Antitrust Act again came to the attention of Congress. At this time the National Football League petitioned the federal court in the eastern district of Pennsylvania for an interpretation of the court's 1953 ruling (U.S. v. NFL, 116F. Supp. 319) which allowed the National Football League to restrict the televising of outside games into the home territory of another team playing at home. At issue in 1961 was whether or not the National Football League was in violation of the Sherman Antitrust Act because of a contract it had made with the CBS television network which gave the network the exclusive right to televise all league games. Prior to this agreement, each individual team had negotiated the sale of its own television rights. Hopes that the court would allow such a package business venture were dashed when it ruled that the contract was illegal in that member clubs of the league had eliminated competition among themselves in such a sale.

With the threat that many National Football League games might not be televised, plus the possibility that some of the weaker and smaller clubs might suffer from lack of large television revenue, H.R. 9096 was introduced in the House and its counterpart, S. 2427, in the Senate. These bills amended the antitrust laws to authorize leagues of professional football, baseball, basketball and hockey teams to enter into certain television contracts and allowed them to pool and sell as a package the rights to televise league games. Restrictions of sport telecasts were only to be allowed within the home territory of a member club of the league on a day when such a club was playing a game at home. A second exemption authorized the restriction of game telecasts in the area surrounding the site of a game, commonly known as the "blackout," and defined as 75 miles from the corporate limits of a home city.

In hearings by the House Judiciary Committee, the National Collegiate Athletic Association successfully proposed that an amendment be added to H.R. 9096 which would protect college football from professional football telecasts on the day of a game, due to the importance of college football gate receipts to college athletic programs. The amendment was incorporated into both bills and provided that the antitrust exemption would not apply to any joint agreement which permitted the telecasting of all or a substantial part of any professional football game on a Friday evening or any Saturday afternoon or evening, during the period beginning the second Friday in September and ending the second Saturday in December, within 75 miles of an intercollegiate football game scheduled to be played on that Friday evening or Saturday. Both the House Committee on the Judiciary[29] and the Senate Committee on the Judiciary[30] reported the bill favorably, and bill H.R. 9096 was passed into law in the fall of 1961 as Public Law 331. Later attempts to have professional soccer included in these exemptions were tried in 1966 (H.R. 18471) and 1967 (H.R. 7652), but to no avail.

Continued Attempts at Antitrust Exemption

Meanwhile, efforts continued in 1961 to obtain legislative exemptions from the antitrust laws for professional sport. Senator Kefauver again submitted a bill, S. 186, which was similar to his S. 3483 of the 86th Congress, to make the Sherman Act applicable to the antitrust laws while granting all professional team sports of baseball, football, basketball and hockey exemptions. Senator Hart introduced a similar bill, S. 1856, calling for basically the same exemptions. No hearings were held on S. 186 or S. 1856, and both were reported by the Antitrust Subcommittee on the Judiciary Committee without recommendation in September of 1961. Although the bills were discussed by the Judiciary Committee, no further action was taken on them. In the House H.R. 178, H.R. 323 and H.R. 1147 were also introduced. All of these bills, similar to S. 186 and S. 1856, were referred to their Committees on the Judiciary and died in spite of attempts by some congressmen to stress their value on the floor of Congress.

> S. 1856 keeps the government out of sports. Some other proposals have advocated Washington regulation of the operating procedures employed by professional sports. It is conceivable this could lead to regulations in baseball such as allowing six strikes before an out for the team that is behind; time and a half for play over nine innings and double time on Sundays; or appeal of an umpire's decision to the Federal courts. If S. 1856 is enacted, the status of professional sports will be stabilized. The traditional, well-seasoned methods of management and operation will be preserved in this important area. Then we will be truly able to say: The future is bright for the Mudville nines of today and tomorrow--as well as the top nines from America's Mudvilles.[31]

Similar legislative proposals calling for antitrust exemptions were made in 1962 (H.R. 10973) and 1963.[32] In addition, H.R. 10176, to prevent professional football telecasts on Friday evenings in areas where high school football games were being played, was introduced by Congressman Thompson. All of these bills were sent to their respective committees where all but one, S. 2391, died. S. 2391 was introduced late in 1963 by Senator Philip Hart and hearings were held by the Antitrust Subcommittee in January and February of 1964. On July 20, 1964, the bill was reported to the Judiciary Committee, which reported the bill favorably and without amendment to the Senate in August of 1964.[33] No further action was taken by the Senate and the bill died.

Agitation for legislative action in 1965 was stimulated when it was announced that the Columbia Broadcasting System had purchased the New York Yankees--normally a breach of the antitrust laws but allowable because of baseball's exemption. An additional stimulant was the announcement that the Milwaukee Braves professional baseball team would move to Atlanta, Georgia, supposedly for more lucrative T.V. income even though Milwaukee had been an attendance leader.

H.R. 6, introduced early in 1965 by Congressman Zablocki from Wisconsin, and H.R. 3412 called for the termination of baseball's exemptive status from the antitrust laws. Congressman Rogers of Colorado also introduced a similar type bill, H.R. 9981, which provided for specific exemptions and contained a feature which would require a common draft by all professional football club owners in the National Football League and the rival American Football League. Supposedly a bidding war between the rival leagues for player talent was boosting the salaries to extraordinary high levels and threatened some teams with financial collapse. On the Senate side, S. 950 was introduced by Senator Philip Hart, which called for similar legislation to Rogers' bill with the exception of the football provision. Of these, the only bill which received a visible amount of attention by Congress was S. 950, which had hearings in February by the Senate Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary considering the CBS acquisition of the New York Yankees and its relationship to S. 950.

After the hearings the Senate Committee on the Judiciary added three amendments to S. 950. The first two amendments made the exemption from the antitrust laws inapplicable in any situation where a college athlete was signed by any professional baseball, football, basketball or hockey club pursuant to a league draft before certain dates. The third amendment granted to high schools the same protection from the telecasting of professional football games granted to colleges by the 1961 act (75 Stat 732) which prevented professional football games from being telecast from a transmitting station located within 75 miles of the game site of any intercollegiate football game. An additional amendment was introduced by Senator William Proxmire which would have required professional sports leagues to divide equally among their members all television and radio revenues in order to prevent future movement by professional teams to cities offering more lucrative television contracts. This amendment failed to be attached to the bill and on July 16, 1965, S. 950 was reported out favorably from the Senate Committee on the Judiciary (Senate Report 462). On August 31, 1965, S. 950 was passed in the Senate, but failed to generate enough interest on the House side and died at the end of the session.

Professional Football Merger

Federal involvement to protect sport in 1966 really began with an impassioned plea by Congressman Dorn to protect high school football from the encroachment of the professionals on television and ended with legislation not only protecting the high schools, but also exempting professional football from the antitrust laws in order for two leagues to merge. Prior to this time a bill had been introduced in the House (H.R. 11183) in 1964 by Congressman Ryan, to amend the 1961 T.V. sports act as it affected certain interscholastic football games. Action on the matter was nil until 1966 at which time Congressman Dorn called for congressional legislators to protect high school football from destruction.

> The competitive spirit and sportsmanship as exemplified in high school football is necessary to the building of strong bodies and sound minds. High school football promotes discipline and good manners. Democracy cannot exist without discipline. If America is to defeat Communism and conquer space, we must be ready physically, morally, spiritually, and mentally. . . . No athlete can play his best in an empty stadium. . . . The football enthusiast on Friday evening, paying an admission fee is necessary for good equipment, good

> playing fields, for gymnasiums, and for the spirit of competition. . . . Mr. Speaker, I say "live and let live." Let us keep Friday evening for the amateur athlete.[34]

Meanwhile, attempts at a merger between the National Football League and the rival American Football League began in June of 1966 when the two leagues reached agreement on such a merger. When the Justice Department announced that it would take a close look at such an arrangement, the two professional leagues turned to Congress for legislative help.

With public opinion heavily favoring a merger, based on the desire for a world championship, and to reduce what was thought an exorbitant payment of salaries to first-year players, a horde of legislation was unleashed in Congress to authorize a merger of the two professional leagues with a secondary clause to protect high school football contests from professional football telecasts. In the House alone there were twenty-five bills dealing with this subject,[35] while on the Senate side only S. 3817 was introduced.

The Senate Committee on the Judiciary which had jurisdiction over S. 3817 did not bother to hold hearings on the bill. After reporting the bill out favorably, the Senate--with no floor debate and without the opposition being notified--passed the bill and sent it to the House[36] amid staunch support from various quarters, in particular the Chicago Tribune.

> We feel that it would be in the interest of the game if the House acted promptly on the legislation. . . . It would eliminate ruinous infighting between rival leagues, especially in the acquisition of new stars, some of whom have drawn bonuses of several hundred thousand dollars since the A.F.L. came into being in 1960. . . . One big league would give professional football a national character. Scheduling and

> competition would improve, and the major cities of the nation would have an opportunity to see all of the best teams in action. The merger has all of these advantages and will improve the game. It should have the support of both houses of Congress.[37]

In the House, hearings were held for three days in October on S. 3817 and several House versions of the same bill. With Congress moving toward adjournment and time running out for possible action before the session ended, testimony was limited to only proponents of the merger, notably the Commissioner of the National Football League. As such, players, representatives from the Department of Justice, high schools and colleges who wished to voice their opinions on the matter were not heard from. The bill, therefore, was rerouted past what might have been stiff opposition from the chairman of the House Antitrust and Monopoly Subcommittee, Emanuel Celler, and tacked onto the 1966 Investment Tax bill as a rider. Chairman Celler, however, made note of this tactic on the floor of the House and attacked the maneuver.

> There may be some rejoicing in some quarters that an end run was made around me by adding this provision as a rider to this investment credit bill. The end run was not made around me. The end run was made around the public, who now have no way of knowing the whys and wherefores and results that may flow from this football merger.[38]

Carrying on further, Celler cited several reasons why further investigation was needed.

> Let me point out that this end run was also made around the players. Only the owners had an opportunity to be heard. . . . Why do the owners want this merger? One reason is they have made improvident contracts and they want and need Congress to bail them out. . . . They are poor negotiators and are asking Congress to rescue them from their own ineptitude and folly. . . . When this football merger bill becomes law, Congress will have done an unprecedented thing. It will have given a group of employers virtually unlimited power over a group of employees. At the same time, no safeguard is given to protect the employees against abuse. . . .

> For the first time, an industry will be exempted from the antitrust laws by an act of Congress and no governmental supervisory agency of any kind is established to protect the interests of the participants or of the public.[39]

Celler's remarks fell on deaf ears. Most of Congress supported those views held by Congressman Cramer, which represented the general feeling of the public.

> Mr. Speaker, I am in support of the football rider because I believe it will result in a better game, a cleaner sport, a more honest sport, and more competitive sport, and that these teams that cannot afford these huge bonuses will not be put out of business. Franchises will be preserved. More teams will come into being.[40]

On November 8, 1966, the Investment Tax Bill of 1966, H.R. 17607, with the football rider attached, was approved and became Public Law 800 in the 89th Congress. Congress thus granted both professional football leagues the right to merge into a single unit, with the understanding that such an agreement would increase rather than decrease the number of football clubs in operation and that high schools would come under the 1961 television agreement, protecting them from professional football telecasts.

In addition to merger legislation, attempts again were made in 1966 to pass legislation which would place all professional team sports (basketball, baseball, football and hockey) under the antitrust laws and exempt certain aspects of their make-up. However, none of the bills were released from their committees for consideration.[41]

From 1967 through 1973, twenty congressional bills dealing with some aspect of the age-old problem of the application of antitrust laws to professional sport were introduced, but none were acted upon.[42]

These attempts to place either baseball or all professional sport under the antitrust laws were part of the continuing change in attitude toward professional sport by members of Congress and was spurred by the disclosure in 1971 that two professional baseball teams were moving their franchises: one from Seattle to Milwaukee and the other from Washington to Fort Worth. Congressional reaction to the transfer, especially with reference to the withdrawal of professional baseball from the nation's capital, was swift.

> Mr. Speaker, I am today offering legislation to end the antitrust exemptions enjoyed for the past half century by organized baseball. As events of the past two weeks have so abundantly demonstrated, the concept of professional baseball as our "national pastime," deserving a special treatment, has become a ludicrous anachronism. Baseball is clearly a business--the most hardheaded, self-serving kind of business--and should be regulated as such.[43]

The following day Senator Magnuson, likewise, struck out at baseball as he introduced S. 2599:

> Recent decisions by the American League involving the transfer of the Washington Senators and the Seattle Pilots requires Congress to review the reasons for baseball's favored sport status.[44]

Even Congressman Mizell, an ex-professional baseball player of fourteen years was appalled.

> It seems to me that something is terribly wrong when the great capital of the United States, the hub of a metropolis of 3.5 million people, is deprived of major league baseball, of the opportunity to watch the national pastime at its own beautiful stadium. . . . If the fast dollar is the No. 1 criterion for baseball owners today, on what grounds can they plead for exemption from the antitrust laws?[45]

Congressional ire reached a climax on this topic in December, 1971, when four members of Congress flew to the major league's winter baseball meeting in Phoenix, Arizona, and presented the Commissioner of Baseball a petition signed by 238 congressmen, which asked for an immediate return of big league baseball to Washington, D.C.--if not by the 1972 season, then at least by the 1973 season.[46] As reporter

Bruce Keidan of the Philadelphia Inquirer stated: "The message was obvious. Baseball either moves back into Washington or risks the loss of its coveted antitrust exemptions."[47] Threat or not, baseball largely ignored the action and gambled that Congress would not pass such legislation, and by the end of 1973 Washington was still without a team.

In spite of all the threats and legislative attempts, hearings were only held on the House bills submitted in 1972,[48] plus some bills which called for a merger between two rival professional basketball teams.[49] All were unsuccessful.

Unsuccessful attempts were also made in 1971 to amend the 1961 Sports-T.V. Broadcast Law (Public Law 331), to include within it telecasts individually arranged by professional football teams instead of only those included in a package television transaction. High school representatives felt that such individually contracted football telecasts were cutting into attendance at Friday evening high school football games.

Although congressional attempts in the seventies to pass legislation to bring all professional sports under the antitrust laws failed, as did attempts for greater restrictions on professional football television coverage, it came as a surprise when congressional attempts (in 1971) to merge two professional basketball leagues also met with inaction. Just as it had in the 1966 professional football merger, public opinion in 1971 was gravitating toward a reconciliation between the two rival professional basketball leagues--the National Basketball Association and the American Basketball Association. With both leagues competing in a bidding war for talent, which resulted in escalating salaries, preliminary attempts were made by the two leagues to merge. When two federal judges strongly hinted at the possible illegality of such a combination under the Sherman Act and issued first a temporary restraining order and then a preliminary injunction against such a merger, the owners of the two leagues turned to Congress for legislation similar to that of the 1966 football merger. While it would seem that Congress would be receptive to such a merger due to its 1966 precedent, such was not the case. Indications of dissatisfaction with the 1966 football merger took place in Congress as early as October, 1968, when Congressman Cahill made note of the growing tendency by Congress and the public to look upon professional sport as a business which threatened the rights of the players with reserve-type clauses.

> In my judgment, this danger is the direct result of ill-considered legislation enacted in November, 1966, which exempted the merger of the National and American Football Leagues from federal antitrust jurisdiction. Practices of many team owners and league officials since the merger have convinced me they have exploited their monopoly to suppress the free and open negotiation of players for contracts, salaries, and pensions.[50]

Disagreeing with the concept of a merger were the players themselves who argued that a merger would be anticompetitive, a violation of the antitrust laws, and a restriction on open, fair competition which would allow them to sell their skills to the highest bidder.

Four bills advocating a merger of the two leagues were introduced in the House[51] and one in the Senate (S. 2373). Hearings in the Senate were held in September and November of 1971 and in January, March and May of 1972 before the Senate Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, and in the House in

July, August and September of 1972. The House hearings concerned additional antitrust aspects of sport and were before the Antitrust Subcommittee of the Committee on the Judiciary. In the opening statements to each hearing, the chairmen let their feelings be known on the 1966 sport merger.

In the Senate, Senator Sam Irwin stated:

> I deeply hope that Congress will not follow the precedent it set in its handling of the professional football merger question. This committee plans to conduct an extensive and comprehensive inquiry before final action is taken one way or the other on the proposed basketball merger bill.[52]

Congressman Emanuel Celler likewise followed suit:

> That legislation [1966 merger], moreover, was passed without Senate Committee consideration of any substantial kind, and this committee was bypassed after only beginning to build its record of consideration. We cannot allow this merger to similarly escape close Congressional scrutiny.[53]

During the ensuing Senate hearings, witnesses from both players and management appeared before the subcommittee and attempts were made by the subcommittee to examine the financial aspects of each league in order to ascertain whether there was truly an "economic crisis" as the leagues had contended. In July, August and September of 1972, the House held their own hearings on the proposed merger on a smaller scale, in conjunction with other bills relating to professional sports and antitrust.

Shortly thereafter, in September of 1972, the Senate Committee of the Judiciary submitted their report, S. Rept. 92-1151, and recommended passage of their amended version of the Senate merger bill, S. 2373. While passage was endorsed, the committee tempered their approval by imposing numerous restrictions on the proposed new league. The restrictions called for a greater percentage of gate receipts to be awarded to the visiting team, a lifting of blackouts on television if a game was sold out five days before the date of a game, television protection for high school and college basketball teams from professional basketball telecasts similar to that enjoyed by high school and college football teams, and the termination of option and reserve clauses for professional basketball players once their contract expired. Possibly because of all of these amendments, plus the fact that it was reported out so late in the session, S. 2373 never reached the floor of the Senate for a vote and died as did its House counterpart.

No further action on any professional basketball merger legislative bills took place in 1972, nor was there any such action taken on the lone merger bill of 1973 (S. 1253 by Senator Bayh of Indiana), which was a revised version of S. 2373 and carried all the revisions previously mentioned in the Senate Report of 1972. Attempts were made in 1973 by Congressman Sisk to prohibit the telecasting of professional basketball games during certain periods when regularly scheduled intercollegiate or interscholastic basketball or football games were being played, by the introduction of two bills (H.R. 10180 and H.R. 10478), but neither one emerged from their committees.

The Curt Flood Case

The final instance of the applicability of the Sherman Antitrust Act toward professional sport during this period under study occurred in October, 1971, when the Supreme Court was again summoned to rule on the antitrust aspect of professional baseball. Plaintiff Curt Flood had brought an antitrust suit against baseball's reserve clause, the practice which confined one player to the club which had that player under contract. When Flood was traded, in 1969, he had refused on the grounds that the reserve clause violated antitrust law because it imposed restraint of trade by denying ballplayers the right to sell their services on the open market. In June, 1972, for the third time in the twentieth century, the Supreme Court upheld its previous rulings exempting baseball from the antitrust laws. In its 5-3 decision, the court again fully explained whose duty it was to change the original decision.

> We continue to be loath, 50 years after Federal Baseball and almost two decades after Toolson, to overturn those cases judicially when Congress, by its positive inaction, has allowed those decisions to stand for so long and, far beyond mere inference and implication, has clearly evinced a desire not to disapprove them legislatively. . . . If there is any inconsistency or illogic in all this, it is an inconsistency and illogic of long standing that is to be remedied by the Congress and not by this Court. If we were to act otherwise, we would be withdrawing from the conclusion as to Congressional intent made in Toolson and from the concerns as to retrospectivity therein expressed. Under these circumstances, there is merit in consistency even though some might claim that beneath that consistency is a layer of inconsistency.[54]

Thus the Supreme Court again placed the responsibility of changing the antitrust laws in relation to baseball solely upon the shoulders of Congress, and Congress continued, as it had in the past, to ignore the invitation due largely to a public which failed to clamor for legislation.

Protection of College Sport

One other area pertaining to the protection of sport, and touching slightly on antitrust aspects, was an attempt in 1971 to prevent professional teams--particularly basketball--from signing college athletes before their class graduated, a practice which had expanded with the increased bidding war for professional talent between the American Basketball Association and the National Basketball Association.

With the signing of a few athletes, Congressman Williams in 1971 introduced H.R. 10229, "A bill to prohibit the use of certain facilities of interstate commerce for the purpose of making employment contracts to play professional sports with certain college athletes." Although popular with the colleges, Congressman Williams' bill never emerged from the Committee on the Judiciary.

Summary

From 1950 to 1973 federal involvement to protect sport concerned itself with two aspects: the granting of incorporation powers to amateur sporting organizations and the application of the antitrust laws to professional sport.

The recognition of the American Olympic Association in 1950 as the sole American organization responsible for the organization, selection, finance, and control of all American participation in Olympic and Pan-American games marked the only time in the history of the United States that Congress ever delegated such authority to any amateur sport organization. Taken lightly at first, the implications of this act were not realized by most amateur sport governing bodies in the United States until the mid-sixties when the dispute between the Amateur Athletic Union and the National Collegiate Athletic Association was renewed. Throughout all the challenges to its authority, the United States Olympic Association remained in this revered position through 1973, answering recurring challenges by pointing to the 1950 powers granted to it by Congress.

While the primary attention throughout this period was focused on legislative attempts to either exempt all professional sport from the antitrust laws or to bring baseball under the Sherman Act with special exemptions for all professional sport, no action ensued. Even though the Supreme Court in three separate decisions prodded Congress to alleviate the inequities which existed, whereby professional baseball was exempt from the antitrust laws and other professional leagues were not, legislators were unable to generate enough congressional support for passage of various bills, largely because of a lack of pressure from the public. When legislation came, it came because the public clamored for action, thus virtually assuring passage, as in the 1961 exemption granted to professional sport teams to pool their television contracts, and the 1966 exemption permitting the National and American football leagues to merge.

After the 1966 merger, however, public attitudes toward professional sport began to change. The acquisition of the New York Yankees by CBS in 1966, the spiraling cost of salaries and tickets, and the threat by numerous teams to shift their franchises to more financially lucrative areas slowly began to erase the halo surrounding professional sport, and it soon began to be viewed as a business enterprise. No more could the public be counted upon to clamor for a basketball merger even though a precedent had previously been set by Congress. Legislative attempts in this area during the seventies fell on the ears of a deaf Congress who were attuned to the feelings of their constituents. Blackouts were lifted and a merger was stopped. However, there still was left for Congress the unfinished business of antitrust and its application to professional sport, a situation which neither the Congress nor the public was willing to rectify.

CHAPTER VIII

Footnotes

[1] Two similar bills on this topic, H.R. 9115 and S. 3992, were also introduced in this 81st Cong., 2d sess.

[2] H.R. 4732, in 1964, was passed creating Public Law 407, changing the name to United States Olympic Committee, which it retains today.

[3] U.S., Congress, S.R. 1154, 88th Cong., 2d sess., 1 July 1964.

[4] S. 2509; House Resolutions 279, 10649, 10650, 10651, 10652, 19653, 19764, 10783, 10931, 11076.

[5] Senator Scott, Congressional Record, Vol. 117, Part 24, 92d Cong., 1st sess., 14 September 1971, p. 31706.

[6] U.S., Congress, House, "Study of Monopoly Power," hearings before the Subcommittee on Study of Monopoly Power of the Committee on the Judiciary, House of Representatives, 82d Cong., 1st sess., Serial No. 1, Part 6, Organized Baseball 1951, p. 1.

[7] Ibid., p. 3.

[8] Ibid.

[9] U.S., Congress, House Subcommittee on Study of Monopoly Power of the Committee on the Judiciary on Organized Baseball, Report pursuant to H.R. 95, 82d Cong., 1st sess., 27 May 1952; H. Rept. 2002, 1952.

[10] Ibid., p. 231.

[11] Ibid.

[12] S. Rept. 387, 83d Cong., 1st sess., 1953, "Broadcasting and Telecasting Baseball 6 Months," Subcommittee of the Committee on Interstate and Foreign Commerce, p. 5.

[13] Ibid.

[14] Ibid., p. 2.

[15] *U.S. v. National Football League*, 116F Supp. 319, E.D. Pa. 1953.

[16] Senator Johnson, Congressional Record, Vol. 100, Part 2, 23 February 1954, p. 2117.

[17] Statement by Senator Johnson inserted into the Congressional Record before Senate Judiciary Committee on 25 May 1954, Vol. 100, p. 7220.

[18] Radovich v. National Football League (352 U.S. 445), p. 451.

[19] Ibid., p. 452.

[20] Sporting News (editorial), 26 February 1958.

[21] U.S., Congress, H. Rept. 1720, 85th Cong., 2d sess., 1958.

[22] House Resolutions 12990, 12991, 12992, 12993, 13071.

[23] New York Times (editorial), 27 June 1958.

[24] Congressional Record, Vol. 105, Part 11, 86th Cong., 1st sess., 1959, p. 13697.

[25] U.S., Congress, Hearings before Senate Subcommittee on Antitrust and Monopoly, "Organized Professional Team Sports," 86th Cong., 1st sess., 1959.

[26] Senator Keating, Congressional Record, Vol. 105, Part 13, 86th Cong., 1st sess., 1959, p. 16456.

[27] House Resolutions 2266, 2370, 2371, 2372, 2373, 2374, 8658.

[28] S. Rept. 1620, 86th Cong., 2d sess., 20 June 1960.

[29] H. Rept. 1178, 87th Cong., 1st sess., 1961.

[30] S. Rept. 1087, 87th Cong., 1st sess., 1961.

[31] Senator H. Ruska, Congressional Record, Vol. 107, Part 6, 87th Cong., 1st sess., 16 May 1961, p. 8034.

[32] S. 2391; House Resolutions 10906, 10907, 10908, 10909, 10910, 10911, 10912, 10913, 10914, 10915, 10916, 10917, 10918.

[33] S. Rept. 1303, 88th Cong., 1964.

[34] Congressman Dorn, Congressional Record, Vol. 112, 89th Cong., 2d sess., 6 September 1966, p. 21789.

[35] House Resolutions 17661, 17675, 17679, 17698, 17756, 17791, 17806, 17929, 17977, 18038, 18039, 18040, 18047, 18060, 18120, 18121, 18123, 18124, 18131, 18145, 18177, 18198, 18226, 18258, 18424.

[36] Senator Sam Irvin, "Antitrust Laws and Organized Professional Team Sports," Sport Magazine (March 1972), p. 243.

[37] Inserted into Congressional Record by Mr. Dingell, House, on 3 October 1966, from editorial in Chicago Tribune, 28 September 1966, Vol. 112, 89th Cong., 2d sess., pp. 5114-15.

[38] Congressional Record, Vol. 112, 89th Cong., 2d sess., 1966, p. 28231.

[39] Ibid.

[40] Ibid., p. 28234.

[41] House Resolutions 13477, 13478, 17448, 17537, 18149, 18175.

[42] Bills H.R. 6 and H.R. 467 (1967); H.R. 2349 (1969); S. 3725 and H.R. 17078 (1970); S. 2599 and H.R. 10825 (1971), and H.R. 1206, 10825, 10902, 11154 (1972) all provided for the application of the antitrust laws to baseball. In addition, H.R. 2305 (1972) called for similar application while exempting certain aspects. S. 2616, H.R. 2305, H.R. 11033, H.R. 11224 (1971) and H.R. 11033, 11224, 11937 and 12401 (1972) called for the application of antitrust laws for all organized professional team sports.

[43] Congressman Van Deerlin, Congressional Record, Vol. 117, Part 25, 92d Cong., 1st sess., 27 September 1971, p. 33407.

[44] Congressional Record, Vol. 117, Part 26, 92d Cong., 1st sess., 28 September 1971, p. 33602.

[45] Congressional Record, Vol. 117, Part 28, 92d Cong., 1st sess., 21 October 1971, p. 37220.

[46] Bruce Keidan, "Congressmen Ask Owners to Place Club in Capital," Philadelphia Inquirer, 2 December 1971, p. 32.

[47] Ibid.

[48] House Resolutions 1206, 2305, 10825, 10902, 11033, 11154, 11224, 11937, 12401.

[49] U.S., Congress, Hearings by Antitrust Subcommittee (Subcommittee No. 5) of the Committee on the Judiciary, Serial #38, House of Representatives, 92d Cong., 2d sess., 1972.

[50] Congressional Record, 90th Cong., 2d sess., Vol. 114, 10 October 1968, p. 30623.

[51] House Resolutions 10185, 10186, 10211, 10827.

[52] Hearing before the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, Senate, 92d Cong., 1st sess., p. 14.

[53] Hearings before Antitrust Subcommittee (Subcommittee No. 5) of the Committee on the Judiciary, House of Representatives, Serial #38, 92d Cong., 2d sess., 1972.

[54] Flood v. Kuhn et al. (407 U.S. 258), pp. 283-84.

CHAPTER IX

FEDERAL INVOLVEMENT TO PROTECT THE PUBLIC THE ATHLETE, THE SPORT

1950-1973

Attempts to Reform Boxing

The invasion of the underworld into sport, especially boxing, came to the attention of Congress in the early part of the 1950s as various efforts were made to either control or investigate these elements as they affected the fighter, the fan and the sport itself. Congressional interest in this matter was aroused in 1951 when it was publicized that a contender for the light heavyweight crown, Matthews, was not offered a chance to fight the champion, Maxim, even though Matthews purportedly was the recognized chief contender.

Suspecting underworld involvement in the control of the prize fight ring, two similar resolutions (Senate Resolutions 189 and 191) were introduced in 1951. S. Res. 189 called for an investigation into both boxing and wrestling, and among other things:

> . . . for the purpose of determining (1) whether any person, or group of persons, through restrictive-control practices or otherwise is obstructing normal competition in such sports, or is preventing or hindering the American public from viewing such sports through the medium of television . . . (3) whether there is a need for a national authority to control and supervise such sports.[1]

S. Res. 191 authorized and directed the Senate Committee on the Judiciary or any other authorized body to conduct a full study and investigation of the International Boxing Club

> . . . with a view to ascertaining whether by restrictive contract practices, or otherwise, such club is preventing or hindering the entrance of advancement of professional boxers in the profession of boxing, or otherwise fostering unlawful restraints or monopolies, in professional boxing; whether or not the International Boxing Club, or any other person, form, or corporation engaged in the promotion or management of national boxing events are in such control thereof as to deny or preclude opportunity to all those eligible the right to compete for the national boxing title championship; and whether or not the people of the United States are thereby denied full and unrestrained national competition for national boxing titles.[2]

Both of these resolutions, plus H.R. 367--a bill calling for similar action, were referred to their respective committees where further action terminated, possibly due to the fact that Matthews was offered a match with Maxim in 1952, which he subsequently turned down. Further attempts to investigate boxing during the fifties were limited to two resolutions in 1955 (House Resolutions 284 and 285) and one in 1957 (H. Res. 45). All failed to emerge from their committees.

In February of 1959, attempts to investigate boxing reached fruition when S. Res. 57 was passed. This resolution called upon the Subcommittee on Antitrust and Monopoly to initiate a study and conduct an investigation into the monopoly aspects of professional boxing. Reinforcement for the investigation was brought forth in August of the same year with the disclosure, just prior to his middleweight championship bout with Gene Fullmer, that boxer Carmen Basilio had possible ties with the underworld element. California Governor Edmund G. Brown, in whose state the bout was to take place, told a news conference that professional boxing "smelled to high heaven" and called for congressional action.

> From what I have seen of this situation, I think you're going to have to have some national laws on this subject because this boxing business is apparently infiltrated with racketeers and gangsters.[3]

One day later, on August 26, Senator Kefauver, the chairman of the Antitrust and Monopoly Subcommittee, directed the subcommittee staff to determine if the underworld, together with certain powerful figures in professional boxing, were engaged in a continuing conspiracy to monopolize professional boxing.[4] In February of 1960, S. Res. 57 was superseded by S. Res. 238, which authorized the committee to make a complete, comprehensive and continuing study of antitrust and antimonopoly laws of the United States and their administration, operation, enforcement and effect.[5]

Hearings were scheduled for June of 1960 amid public and congressional pressures to clean up the sport.

> Mr. President, any objective observer of the sports scene must admit that much in professional boxing in America today is rotten. The sport is sick, but we need not give up hope of curing the patient. There is no question that there must be a thorough housecleaning from top to bottom. . . . What is needed eventually is some kind of nation-wide control of the sport, preferably under the guidance of an iron-fisted czar. I would hope this can be done by an organization outside the Federal Government.[6]

The first of two hearings were held on June 14 and 15, 1960 and concerned themselves with underworld racketeering in boxing during the 1940s. Due largely to these hearings, Senator Wiley of Wisconsin submitted bill S. 3690 on June 17, two days after the termination of hearings. This bill prohibited racketeering incident to the arrangement or conduct of professional boxing contests and was to deny racketeers from being licensed as promoters, matchmakers, or managers in an interstate bout.

> Mr. President, testimony heard before the Antitrust and Monopoly Subcommittee in the last two days suggests the existence of a nationwide underworld empire controlling the sport of boxing. The bill I am introducing is intended to break up the main channels through which the underworld controls prizefighters.[7]

In justifying federal involvement, Wiley emphasized the inability of the states to cope with the problem, an approach previously used by many to instigate federal action:

> Boxing is a national business and the States are not always able to cope with the nationwide underworld activities in this business. The boxing commissions in some States issue licenses to managers and promoters regardless of their past criminal histories. In other cases, when a person with a criminal record is denied a license in one State, he applies for a license and transfers his activities to another State.[8]

Hearings were again held in December of 1960 for eight days, focusing on underworld involvement in professional boxing as it existed at that time. The hearings disclosed, from such witnesses as Sonny Liston (the future world heavyweight champion), that a massive conspiracy between racketeers and other undesirables existed to suppress competition and maintain monopoly control over major boxing contests throughout the country. Testimony was received that a trio of undercover boxing racketeers were arranging important matches for Liston, the number one heavyweight contender, in addition to sharing his purse.

In his closing remarks at the hearings, the chairman, Senator Estes Kefauver of Tennessee, summed up the findings:

> The witnesses heard and the evidence presented during this series of hearings strongly indicate that underworld figures and racketeers exercise influence and control over licensed promoters, managers, matchmakers, and boxers, and certainly have had the effect of excluding competition and maintaining monopoly control over most of the boxing contests.[9]

Kefauver then outlined legislative proposals which he felt would remedy the situation. One proposal called for the establishment of a temporary federal boxing commission with authority to license all participants in interstate boxing matches. Kefauver was quick to point out that this agency would be short-term and would follow a policy of noninterference with the states:

> I do not envisage a permanent Federal body of this nature. Rather, I will urge that the life be confined to three years unless dire necessity proves the need for its continuance. . . . I also want to point out that it is not intended to preempt or supersede the Jurisdiction of the various States, but to be of assistance to them, with all intrastate matters being left to them, and all the matters of additional licensing that they may require: health, safety, medical examinations, and things of that kind.[10]

As such, the federal commission was to be funded by the boxing industry and not by the federal government. In addition, Kefauver proposed that a person or corporation who participated in an interstate match without first securing a federal license would be subject to criminal penalties along with anyone who attempted to bribe an interstate boxing match.[11]

Shortly thereafter, on March 29, 1961, Senator Kefauver introduced S. 1474, a bill to curb monopolistic control of professional boxing by establishing within the Department of Justice the office of the National Boxing Commissioner. The bill called for the establishment of a commissioner appointed by the President, much as in professional baseball, who would have jurisdiction over all licensing of professional boxers, managers, promoters, and matchmakers engaging in interstate bouts, and require all licensees to file a written financial report following each fight. Kefauver's new bill increased his original estimate of the length of time of the commission from three to five years, and also provided for a five-man boxing advisory board to be charged with the responsibility of making recommendations to the commissioner for the improvement of boxing and the welfare of its participants. Board members were to serve without compensation and were to be chosen by the commissioner with the approval of the Attorney General. Similar bills were introduced in the House (H.R. 9377 and H.R. 7462) where they, like their Senate counterpart, were to die in their respective committees.

National attention was focused on boxing again in 1962 when professional boxer Benny Paret was killed in the ring and resulted, as mentioned, in Congressman Multer introducing H.R. 11074, to prohibit the broadcasting of boxing matches on radio or television. In addition, another attempt was made in that year to investigate boxing, with the introduction of H. Res. 679. Neither attempt met with action.

In 1963 Senator Kefauver again tried to establish a national boxing commission by co-sponsoring S. 1182 with Senator Engle of California. At the same time the professional boxing world was shaken by the announcement of the death of another fighter, Davey Moore. In calling for such legislation, which was the same as S. 1474 in the last Congress, Senator Kefauver played upon the safety features of the bill in obvious reference to the two recent deaths: "It will make it possible to insure that only those men who are in proper physical condition will be allowed into the ring."[12] Senator Engle, in his statement to Congress, justified federal intrusion into professional boxing:

> Some may ask, Is Federal regulation necessary? Yes it is necessary. The States cannot handle this sport properly. I

> do not want to leave the impression that the States and their boxing commissions have not tried to clean up boxing. They have made valiant attempts to do so. But their efforts have usually terminated in a dead end.[13]

Necessary or not, the Judiciary Committee failed to act on S. 1182 even though the subcommittee reported the bill favorably, nor were House versions H.R. 5239 and H.R. 5326 acted upon. H.R. 5173, to prohibit professional boxing, met the same fate. Pressure by some members of Congress did not ebb however, and with the questionable heavyweight championship fight between Clay and Liston in Miami in 1964, the public was aroused to cry "foul" and congressmen once again took up the fight, even though their leader in this matter, Senator Kefauver, had died.

> After the affair of last evening, I am convinced beyond any doubt that Congress should without delay look into all the dark corners and recesses of this multimillion-dollar interstate professional sport. . . . I am not one who believes the Federal Government should attempt to regulate the proper concerns of the States and local government. However, I am convinced that when any enterprise involved in interstate business or promotion falls under a dark cloud of suspicion in which the public is deceived and the gullible cheated, the Congress has a duty to turn the spotlight of open inquiry upon it and to effect such legislation as is necessary to prevent or punish fraud and racketeering. . . . The Liston-Clay affair has brought the long suffering crisis in professional boxing to a head. It is time Congress moved in to protect the public interest.[14]

Hearings were held by the Senate Antitrust and Monopoly Subcommittee after the fight to determine what changes had taken place in boxing since the last hearings held in 1960. The consensus was that little had changed except the faces.

Needed or not, renewed attempts at legislation in this area were not made until 1965 when additional furor was created by another Liston-Clay heavyweight championship bout. Originally scheduled for

Boston, Massachusetts, the promoters of the championship fight ran into problems complying with Massachusetts law pertaining to the state citizenship of boxing promoters. The promoters and organizations interested in the closed-circuit television coverage of the fight, fearing that the legal questions could not be resolved in time to permit coverage of the fight on the scheduled date, decided to move the fight to Lewiston, Maine, where continuation of the fight was practically guaranteed.

Public suspicion was further aroused when a questionable knockout occurred and resulted in attempted congressional action to investigate boxing (H. Res. 403) and create a national boxing commission along the lines of the provisions in Senator Kefauver's previous bill. Action was centered in the House where fourteen similar bills calling for a national commission were introduced.[15]

In July of 1965 the House Committee on Interstate and Foreign Commerce held hearings on several of the bills. Following testimony from various quarters of the boxing world and congressmen, the committee's report, House Report 784, was submitted on August 2, 1965. It advocated passage of H.R. 8635, a bill designed to establish a federal boxing commission which would consist of three persons to be appointed by the President. Under the aegis of the bill the commission was to exercise continuing surveillance over professional boxing matches which were broadcast by television or radio, or which were disseminated by wire in interstate or foreign commerce either to be received on home receivers or in theaters, arenas, or other places of assembly. The commission was also to be authorized to issue licenses authorizing participation in such matches for all boxers, promoters, managers, matchmakers, referees, judges and those providing the coverage, in addition to having the power to prohibit the match and/or its coverage and to make investigations and hold hearings. While the House Committee on Interstate and Foreign Commerce advocated passage, opposition was voiced to the bill within federal circles, notably the Justice Department. In a letter to the chairman of the House Committee on Interstate and Foreign Commerce, Attorney General Ramsey Clark voiced the department's feelings on the matter:

> The Department of Justice considers this legislation to be both unnecessary and undesirable. Existing law provides strong measures for dealing with many of the problems besetting professional boxing.[16]

The Attorney General then went on to outline how the private sector might solve many of boxing ills without the need for federal intervention:

> Before legislation is considered placing professional boxing under Federal control, alternatives to such a step should be more fully explored. It might be feasible, for example, to consider the establishment of a non-governmental commission consisting of outstanding figures in the sports world or perhaps of the boxing world alone.[17]

Regardless of the Justice Department's opposition, H.R. 8635 moved onto the floor of the House for a vote.

> I do not have to explain to you, Mr. Speaker, why this legislation is before the Congress and the country today. That is abundantly clear. It is legislation which the Committee on Interstate and Foreign Commerce brings to the floor of the House today because of great interest to many members of this body and, in my judgment, to a large segment of the American people.[18]

Although a majority of House members approved of the legislation, there were some who viewed it as another attempt on the part of the federal government to control added facets of public life.

> If we are to have a Federal Commission to supervise boxing, then surely we should have a Federal Commission to supervise wrestling and, the pattern having been set, it will be only a matter of time until there will be Federal Commissions to run all the sports from baseball and football to tennis and ping pong. I do not believe it is a healthy thing to place a policeman in every playground. I cannot bring myself to accept with complacency the idea of a Federal guardianship over competitive athletic activities of American youth.[19]

Opposition was also voiced from the broadcasting industry, based on the principle that no government agency should have authority to say to the broadcasting industry that they should or should not broadcast something. Such opposition was submerged beneath swelling congressional endorsement. By a vote of 346 to 4, H.R. 8635 was passed on August 16, 1965 and was sent to the Senate for consideration which, perhaps because of the lateness in the session, failed to act on its own version (S. 2124) and further movement of H.R. 8635 or any counterparts ceased with the adjournment of the 89th Congress.

Since 1965 eight legislative attempts to create a federal boxing commission have been proposed in Congress.[20] All died at the end of their respective sessions. The only visible action taken since 1965 occurred in 1970 when Congressman Wolff of New York held informal congressional hearings to find out what had happened to professional boxing since the House hearing of 1965, to determine whether more intensive investigation was warranted. The informal hearings revealed that little had changed in the boxing profession since 1965. However, no further action resulted.

Fixing and Bribing Sport Contests

While boxing and its underworld element occupied the interest of the federal government in the early fifties, so too did the influence of the underworld in other sports. In 1951 a major college basketball point-shaving scandal was disclosed which included twenty-six players from fifteen different major college teams. Congress reacted to the scandal by the introduction in the House of H. Res. 117 by Congressman Heller, which called for the creation of a select committee to conduct an investigation and study of the fixing of college basketball games. Later on in the Congress, Congressman Clemente introduced three additional, unsuccessful resolutions: House Resolutions 401, 409, and 412, which called for the same provisions as Congressman Heller's resolution, except that they would have investigated all sporting events, not just basketball nor just college athletics. Possibly as a result of the basketball scandal, there were two additional resolutions in the House at this time, H. Res. 331 and H. Res. 343, which called for an investigation into horse racing. In the end, all five resolutions met with the same fate, languishing in committee until their death at the end of the Congress.

After 1951 little attention in federal government was focused on point shaving and fixing in sport contests until 1961, when another basketball point-shaving scandal was disclosed. In March the National Collegiate Athletic Association announced the need for a federal law to control organized gambling, in hopes of stemming what it thought was a rising problem. It recommended to Congress that it take further legislative action and announced it was conferring with the Justice

Department in an effort to enlist its support in the matter.

> The NCAA can try to help improve the situation, as it has done since disclosure of the scandal of 1951. But we are limited. We can only improve the situation. We can't control the problem if it is not a crime under law to bribe or attempt to bribe a boy or an official.[21]

Shortly thereafter Congressman Zelenko, in May of 1961, introduced H.R. 7384, which was to amend the law so that it would be a crime to use any instrumentality of commerce or the mails, or to travel in commerce in order to regulate or fix any amateur or professional athletic contest or event. Gamblers and riggers, it seems, were dividing their operations among the states and across the country so that no individual state law enforcement agency could fully investigate or prosecute their crimes.

> This law is needed to punish the human termites who are corroding one of our finest and oldest traditions, the integrity of American athletes. Hoodlums and racketeers are crossing and doublecrossing our country and our people from coast to coast, seducing our athletes to prostrate their physical prowess for their dirty dollars. They are shattering the faith of millions of American youngsters in their athletic idols and are contributing as much to juvenile delinquency as dope peddlers. Just like insects which acquire tolerance to pesticides, the fixers have adapted their techniques in the past few years to divide their operations among the States and across the country so that no individual State law enforcement agency can fully investigate or prosecute their crimes.[22]

This attempt at legislation was followed one month later by the introduction of a similar bill in the Senate, S. 2182, by prominent Senator Keating. In introducing his bill, Senator Keating related why the federal government should involve itself, while at the same time making sure it was understood that this would not imply federal control of sport.

> We all know from numerous investigations that these "fixes" are engineered by a combination of people operating without

> any regard to State boundaries. The use of interstate facilities makes these schemes a matter of Federal concern. We have agreed that this bill--which will supplement but not overrule State laws--represents the best hope for wiping out the vipers infecting our college sports.[23]

In September of 1962 Senator Keating resubmitted S. 2182 in a revised form, after accepting amendments made within the committee studying the bill at the suggestion of the Justice Department. Once again the powerful NCAA backed the bill along with the Eastern College Athletic Conference. In its report on the bill, the Senate Committee on the Judiciary reported favorably that the bill should pass, after citing the Justice Department's endorsement. On September 12, 1962 the bill was passed by the Senate, but no action was taken in the House and it died at the end of the session. One other piece of legislation in 1962, somewhat relating to this matter, was the introduction of S. 3081 which would prohibit the use of wire communication facilities to disseminate the results of sporting events. The bill failed to receive backing and died in committee.

In 1963 Senator Keating tried to pass S. 741, a bribery bill similar to S. 2182. Introductory remarks on the bill by Keating on the floor of the Senate again emphasized local autonomy for law enforcement officials unless interstate violations ensued.

> Nothing in this proposed legislation would relieve the colleges and associations involved from their obligations or affect or interfere with whatever efforts local law enforcement agencies are able to make against bribery in sports. However, it would allow the Federal authorities to move in against interstate conspiracies beyond the control of the local authorities and make it impossible for the manipulators and vipers to slip through geographical holes.[24]

Similar bills were introduced in the House during the 88th Congress,[25] but S. 741 was the only one to generate action. In

October of 1963 the Senate Committee on the Judiciary reported out favorably S. 741. After Senate passage it moved on to the House where the Committee on the Judiciary of the House reported favorably on the bill in mid-December of 1963,[26] and it was brought to the House floor in January of 1964 for debate before the final vote. Proponents of the bill noted the strong endorsements given the bill by the Department of Justice, the National Collegiate Athletic Association (NCAA), Eastern College Athletic Conference, American Football Coaches Association, National Association of Basketball Coaches, National Football League (NFL) and similar organizations. Also emphasized was the fact that approximately twelve states had no statutes on the subject of bribery in sporting events whatsoever. It was Congressman Meader, however, who brought up the topic of possible future federal regulation of sporting events and laid to rest any fears his fellow congressmen might have had on this matter.

> I might say, as a member of the Committee on the Judiciary that studied this measure and was concerned that the measure might be a precedent for Federal regulation of sporting events . . . it is my concern that this bill should not be regarded as a precedent for Federal regulation of sporting events on the theory that they are interstate commerce whether they be professional sporting events or whether they be collegiate or other amateur sporting events, and I was assured by the counsel of the committee and by the members of the committee who are interested in the legislation, and I want to make legislative history on this subject today, that this bill in no ways is to be regarded as a precedent for the regulation of sporting events generally on the theory that they are interstate commerce. My understanding is that the philosophy and theory of this bill is what is the subject matter of Federal attention here, and that is the utilization by bribery of interstate facilities.[27]

After obtaining assurances that the bill was not to extend to Congress the authority to regulate sporting events, Congressman Meader again iterated his feelings on this matter and quite possibly others in the

House.

> I say to the gentleman that if I did not have complete assurance that this was not to be a precedent for the regulation of sporting events by the Federal Government, I would be constrained to oppose the bill as vigorously as I know how.[28]

The vote was taken, the bill was passed and later signed into law as Public Law 316.

Criminal Elements in Horse Racing

Another area of interest by the federal government, in relation to the underworld influence in sport, was horse racing. As mentioned, attempts had been made in 1951 to investigate the sport but had met with inaction. Little was heard on this topic for more than twenty years. Then, in 1972, hearings were held before the Select Committee on Crime of the House. These hearings grew out of hearings held by the same committee in 1971, at which time the infiltration of organized crime in three areas of legitimate business was examined: banking, securities and insurance. Originally hoping to determine the extent of influence of organized crime on all organized sports, including baseball, football, basketball, hockey and horse racing, the committee soon found itself solely investigating horse racing because of limited time. As a result, the committee devoted twenty-four days, heard ninety-seven witnesses and compiled a total of 1,853 pages of testimony relating to this matter.

The hearings concerned themselves with race fixing, the use of drugs and electrical prodders, undisclosed ownership of race tracks with underworld ties, political contributions for racing licenses, the control of favorable calendar dates for races, the tie-in of concessionaires at race tracks with the underworld, and the use of celebrities as fronts for ownership of race tracks. One year later, in June of 1973, the committee published its report, H. Rept. 93-326, and proposed five federal recommendations, which would:

1. Make it unlawful to decrease or increase the opportunity of an animal to win a race;
2. Outlaw any devices other than those allowed which could affect the running speed of horses;
3. Outlaw any falsification of the ownership of a registered racing animal;
4. Allow prosecution of anyone found guilty on these matters;
5. Amend Section 224 of Title 18 of the U.S. Code to permit prosecution when participants or instruments have moved in interstate commerce and engaged in the outlined unlawful activities.[29]

In addition, eight recommendations were made to the states. In spite of the recommendations, no federal action was taken in this regard for the duration of 1973 and the close of the 93rd Congress, first session, although attempts were made in late 1972 (H.R. 17019) and 1973 (H.R. 1195) to pass legislation to provide penalties for fixing horse or dog races.

Federal Commission to Regulate Professional Sport

The trend of turning more and more to the federal government for protection of the athlete, the public, or sport continued in the second half of the 1960s. This trend was spurred by public reaction to the increasing cost of tickets to professional games, the inability to view sold-out games on television, the transfer of professional team franchises from one city to another in order to increase revenue, and the rise of professional player-management disputes which threatened professional sport with strikes.

Disillusioned and dismayed, the public had no one else to turn to except Congress for some type of help in the matter, and Congress responded in 1967 with an attempt at passage of H.R. 13567, by Congressman Nix, which called for the creation of a federal athletic commission to regulate professional organized sports when such regulation was deemed in the public's interest. In introducing H.R. 13567 Congressman Nix traced increasing congressional involvement in professional sport and justified the need for legislation of professional sport.

> This long and varied congressional interest in the regulation of organized sports has, in my judgment, resulted from two primary causes. First . . . it is now obvious that many aspects of sports are interstate activities, and have a substantial impact on interstate commerce. Second, it is equally obvious that the existing regulation of organized sports conducted by the fifty States is inadequate in some cases. Many States have rules respecting the conduct of sports which are less carefully drawn or less energetically enforced than is necessary for the protection of the public and the athletes. In addition, some elements involved in organized sports have become too powerful and too geographically dispersed to be regulated effectively by the States. Thus, private groups with great financial power can act in an environment in which they are accountable to no one for the way they exercise this power. They may act without restraint to affect directly the livelihood of the athletes; they may be able to dictate the terms upon which the athletes participate in the sport and even the terms upon which the sport is conducted. In some instances, it is probable that the combined appeal of this unregulated power and potential profit has attracted unsavory elements into organized sports.[30]

The Nix bill and subsequent bills like it all failed to generate congressional response.[31] Several of the bills would have created a federal athletic commission to regulate organized sports when and to the extent that such regulation was in the public interest.[32] By them a five-man commission, appointed by the President, was to have the power to investigate any given sport at its own discretion if it was deemed to be in the public interest. In its investigation, the commission would have been empowered to consider several aspects, such as the size of the public following of the sport, the adequacy of existing self-regulation and state regulation, and the effect of the sport upon the health and welfare of the participants, its followers and the public generally.[33]

If, after such investigation, the commission determined that the regulations of the sport by the commission would be in the public's interest, the commission was to have the power to issue regulations to require:

> (1) The licensing of participants and officials;
> (2) minimum qualifications for participants to assure their reasonable safety;
> (3) minimum qualifications for officials to assure fair and honest competition;
> (4) minimum standards of equipment for the safety of both participants and onlookers; and
> (5) public disclosure of any information concerning the sport, any competition therein, or other matter related thereto the public disclosure of which the commission deems in the public interest.[34]

In addition, the commission was to have the power to revoke or suspend any license it issued and was to make an annual report to the President.

Attempted passage of the Nix bill in 1967 and similar versions in 1969 were unsuccessful, as was an attempt by Senator Cook in 1972 of a similar bill, S. 3445, which was to:

> . . . protect the public interest in the field of professional team spectator sports; to provide for financial stability among professional sports franchises; to protect the interests of professional athletes; to improve the relationship between professional and amateur sports; and for other purposes.[35]

Cook's bill differed somewhat in that it called for the creation of a federal sports commission within the Department of Commerce which was to consist of three commissioners appointed by the President. The commission was to have authority to promulgate rules or other regulations in professional sport concerning the territorial restrictions on the broadcast of professional sport events on commercial television, the sale and/or transfer of professional team franchises, the mechanisms or procedures for transferring amateur athletes into professional sports, and the form of player contracts in order to best assure adequate disclosure of the terms of such contracts to the contracting parties.[36]

The Federal Sports Commission also was to establish a sports advisory council which it was to consult before prescribing a sports rule or regulation. This sports advisory council, to be appointed by the commission, was to be composed of eight members--two of which had to be officials of professional sport leagues, two representatives of professional sport team franchises, two representatives of professional athlete organizations and two from amateur sport organizations, sports writers and broadcasters, and recognized leaders in the field of sports.[37]

Unlike the previous House bills, S. 3445 did have hearings. They were held in June of 1972 before the Senate Committee on Commerce. For four days various representatives from both professional and amateur sport organizations and others appeared before the committee to voice their opinions on the pending bill, S. 3445, and matters pertaining to professional sport. In his closing statement to the hearing, Senator Cook, who was presiding over the hearings, summed up the findings:

> The record before this committee has convinced me that the specific provisions of S. 3445 must be altered significantly in order to strike more directly at existing problems affecting the sports fan, but also to avoid unnecessary incursions into traditional and already effective regulatory mechanisms. However, the record has also convinced me that there are certain common aspects in professional sports that adversely affect the fan in a large number of instances. It is these areas that should be the target of this committee's activities.[38]

Further action in this regard ended with the 1972 Senate hearings as the idea of a federal sports commission to control professional sport in America subsided, so that by the end of 1973 the concept was merely a memory.[39]

Summary

Federal involvement to protect the public, the athlete and sport has increased greatly since 1950, especially in the area of professional sport. Legislative efforts to reform boxing and stop the underworld element from rigging sports events began early in the period and legislation was forthcoming in the latter area in 1964 by passage of a law forbidding bribery in sporting contests. Legislative efforts in boxing shifted direction in the late 1950s toward the idea of establishing within the federal government an agency to control professional boxing, due largely to its seedy element. Over thirty legislative proposals were made in this area, but none succeeded. The concept of a federal boxing commission was further expanded in the early 1970s when legislators attempted to create a federal professional athletic commission which would completely control professional sport.

While action in the form of legislation intensified in this direction, concrete results were not produced for, in the final analysis, the idea that sport--and, in this instance, professional sport--was an area outside the drawn boundaries of what our forefathers had intended, continued to direct federal action and policies. When legislation did take place by passage of an anti-bribery law toward sporting contests, it came about because of public approval, possibly tempered by the fact that various bribery laws were already in existence in other areas of society, thereby establishing a precedent for which to fall back on and justification for the intervention of the federal government.

CHAPTER IX

Footnotes

[1] S. Res. 189, 82d Cong., 1st sess., 1951.

[2] S. Res. 191, 82d Cong., 1st sess., 1951.

[3] Washington Post, 26 August 1959.

[4] U.S., Congress, Hearings before Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary; U.S. Senate, 86th Cong., 2d sess., June 14 and 15, 1960, p. 2.

[5] Ibid., p. 1.

[6] Senator Keating, Congressional Record, Vol. 106, 86th Cong., 2d sess., 24 March 1960, p. A2647.

[7] Senator Wiley, Congressional Record, Vol. 106, Part 10, 86th Cong., 2d sess., 17 June 1960, p. 12970.

[8] Ibid.

[9] Hearings before Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, U.S. Senate, 86th Cong., 2d sess., Part 2, December 5-9 and December 14- , 1960, pp. 867-68.

[10] Ibid., p. 869.

[11] Ibid.

[12] Congressional Record, Vol. 109, Part 4, 88th Cong., 1st sess., 25 March 1963, p. 4786.

[13] Congressional Record, Vol. 109, Part 4, 28 March 1963, p. 5031.

[14] Congressional Record, Vol. 110, 88th Cong., 2d sess., 1964, p. 3637.

[15] House Bills 2423, 4664, 6479, 8507, 8631, 8632, 8635, 8676, 9140, 9196, 9426, 9633, 10392, 10453.

[16] Letter from Ramsey Clark, Attorney General, to Hon. Oren Harris, Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, August 6, 1965, inserted into H. Rept. 784, 89th Cong., 1st sess., 12 August 1965, pp. 7-8.

[17] Ibid., p. 8.

[18] Congressman Harris, *Congressional Record*, Vol. 111, 89th Cong., 1st sess., 16 August 1965, p. 20473.

[19] Ibid., p. 20478 [Congressman O'Hara of Illinois].

[20] House Bills 1010, 2678, 7758, 9912 (1967); H.R. 653 (1969), H.R. 2228 (1971), H.R. 1622 (1972), H.R. 1065 (1973).

[21] Walter Byers, Executive Director of NCAA, quoted in *Washington Post*, 23 March 1961.

[22] Congressman Zelenko, opening statement on H.R. 7384, *Congressional Record*, Vol. 107, 87th Cong., 1st sess., 1961, p. 9198.

[23] *Congressional Record*, Vol. 107, Part 9, 87th Cong., 1st sess., 1961, p. 11705.

[24] *Congressional Record*, Vol. 109, Part 2, 88th Cong., 1st sess., 7 February 1963, p. 2016.

[25] House Bills 3696, 4855, 9606.

[26] H. Rept. 1053, 88th Cong., 1st sess.

[27] *Congressional Record*, Vol. 110, 88th Cong., 2d sess., 22 January 1964, pp. 920-21.

[28] Ibid., p. 921.

[29] H. Rept. 326, 93d Cong., 1st sess., 1973, pp. 80-81.

[30] *Congressional Record*, Vol. 113, 90th Cong., 1st sess., 18 October 1967, p. 29322.

[31] H.R. 6474, H.R. 9024 (1969); S. 3445 (1972).

[32] H.R. 13567 (1967); H.R. 6474 and H.R. 9024 (1969).

[33] U.S., Congress, Bill H.R. 13567, 90th Cong., 1st sess., 1967, p. 4.

[34] Ibid.

[35] U.S., Congress, Bill S. 3445, 92d Cong., 2d sess., 30 March 1972, p. 1.

[36] Ibid., p. 7.

[37] Ibid., p. 12.

[38] U.S., Congress, Hearings before Committee on Commerce, U.S. Senate, 92d Cong., 2d sess., on S. 3445, "Federal Sports Act of 1972," June 16, 19, 23 and 28, 1972, Serial No. 92-96.

[39] Several other unsuccessful legislative attempts to protect the public, the athlete, and sport were made during this period, but were deleted from the body of the dissertation since they were generally sporadic and haphazard, and would have cluttered up the main body of the thesis. These included attempts in 1972 (H.R. 14614) to protect the public interest and the interest of the professional athlete, and provide for financial stability among professional sport franchises; and an attempt in 1973 (H.R. 11078) to protect trade and commerce against the " . . . unlawful restraints and monopoly of organized baseball."

Other types of legislation included two bills introduced in the House in 1967, H.R. 5644 and H.R. 7881, to allow lotteries at deer hunting contests; bills S. 31199, H.R. 15040, H.R. 15041, and H.R. 15225 (in 1969) and H.R. 19 and S. 696 (in 1971) which called for national boat safety program; and H.R. 17158 in 1972 which called for a national policy on snowmobiling. Lastly, H.R. 1196 was introduced in 1973 to tax those engaged in conducting horse and dog races. All these measures failed in their bid for passage, due largely to the fact that they were unknown.

CHAPTER X

FEDERAL INVOLVEMENT TO PROTECT THE PUBLIC, THE ATHLETE, SPORT, AND AMERICAN INTERESTS

Federal involvement in sport during the period 1950-1973 also involved a combination of the protective factors discussed in previous chapters. These combined factors, which concerned attempts to protect the public, the athlete, sport and American interests, generally centered around two topics, both dealing with amateur athletics. One began in the early part of the sixties and involved the continuing feud between two amateur sport governing bodies, the National Collegiate Athletic Association and the Amateur Athletic Union. The other evolved from this dispute in the late 1960s and grew to include all United States amateur participation in domestic and international sport. In both instances the federal government, most notably the Congress, played a major role.

The National Collegiate Athletic Association-Amateur Athletic Union Dispute

As was evidenced earlier, federal involvement in amateur athletic governing bodies in the United States up to 1950 was minimal as these groups were adjudged to be outside the mainstream of the federal government.

With the development of the Cold War in the early 1950s and the rapid rise of Soviet excellence in the field of amateur sport, an area traditionally dominated by American athletes, a number of significant changes occurred. What was once considered a sidelight by the American federal government became an important topic. The rising feeling was that the federal government might well have to become involved in sport should American performance in this area be threatened because of organizational difficulties at home.[1]

The first instance of federal acknowledgment as a potential "protector" in this area took place early in 1956 when amateur runner Wes Santee was barred from amateur track competition for life by the Amateur Athletic Union. The charge was that Santee had been given more money for his participation at meets than was allowed under the AAU rules. For their decision the AAU drew a fair amount of criticism in Congress. The thrust of the criticism was at the penalty, partly because of its harshness and partly because the Olympic games were fast approaching and the threat of Soviet supremacy was imminent. The loss of an outstanding runner such as Santee from the ranks of the U.S. Olympic Team was felt throughout the country.

On the floor of the Senate, Senator Carlson of Kansas (Santee's home state) called for the AAU to review its rules in regards to payments of athletes and warned what the possible outcome of it all might be:

> Mr. President, I regret to make this statement, but I sincerely believe that the sports-loving and patriotic American people do not share the view of the members of the A.A.U. Wes Santee was our one big hope in the mile run at the Olympics. By such actions as that just taken, in my opinion the stage is being set for one of the most telling Russian propaganda coups ever knowingly and unnecessarily encouraged.[2]

Senator Carlson shortly afterward followed suit with one of the first verbal blasts at the organizational abilities of an amateur athletic organization heard on Capitol Hill:

> These bumbling officials of the AAU adhere rigidly to their program of severe austerity in isolated instances, such as the Santee case, while other equally serious malpractices are totally ignored, perhaps even encouraged, by these same officials. This discriminatory regulation has led to widespread disrespect and contempt for the so-called governing system of the AAU.[3]

Further attempts were made in 1957, through Senator Carlson, to investigate the Amateur Athletic Union by passage of House Concurrent Resolution No. 13 in the Kansas State Legislature, which called on the United States Congress to begin such action.[4] Further concrete action in this area failed to occur and the incident died.

Of even greater significance than the Santee case was the fact that an open conflict between the Amateur Athletic Union and the National Collegiate Athletic Association arose during the early 1960s and threatened the entire structure of amateur sport in America. In 1962 a squabble arose between the two amateur sports governing bodies over the sanctioning of amateur athletic events. Basically, the AAU had threatened to outlaw athletes who competed in non-AAU sanctioned meets, and the NCAA similarly threatened to outlaw athletes who competed in events which were not sanctioned by the NCAA-supported federations, chief of which was the newly created United States Track and Field Federation.

In October, 1962 influential Senator Hubert Humphrey brought the matter to the attention of his colleagues, perhaps for the first time:

> I do not know whether my colleagues are aware of the fact that because of quarreling between special groups with special

> interests over who will be in charge, this country may not be represented in the 1964 Olympics. I want to alert the public that if the United States does not watch out, unless something is done in the very near future, we may very well find that our country will not be represented in the 1964 Olympics. . . . Thus, the "family quarrel" which has been raging among sports groups in the United States brings the country closer, unfortunately, to an international athletic fiasco.[5]

Humphrey then urged that an impartial board be established which would be comprised of outstanding civic and sports leaders in the United States to solve the problem, and disclosed that Senator Engle of California had already pointed out the need for such a board to the White House. According to Humphrey, the Office of the President had evoked an interest in using its "good offices" if the various parties in the controversy would each agree to ask it to do so.[6] In urging both groups to reconsider, Humphrey brought forth the possibility of federal intervention:

> I do not like to see anyone in the United States Government enter into the slightest in matters which should be left in private hands. But there is a national interest, a national need, and a national urgency. A house divided against itself cannot stand. An American sports world split in half cannot possibly do justice to America's role on the international athletic scene.[7]

Close on the heels of Senator Humphrey's request, the State Department arranged a conference in Washington, D.C., on October 26 and 27, in which top officials of all parties involved met with hopes of ironing out their differences in a possible truce. It failed and in November additional attempts were made at the request of Attorney General Robert Kennedy. On November 13, 1962 the ruling amateur sports bodies arrived at a preliminary agreement, only to have the conflict arise once again when the AAU announced it would make no further compromises with the United States Track and Field Federation and called on Congress to step into its conflict with the NCAA for control of amateur track.[8]

Presidential interest in the dispute was made public on December 12 at a news conference when President Kennedy discussed the problem:

> The governing bodies of these athletic groups apparently put their own interest before the interests of our athletes, our traditions of sports and our country. The time has come for these groups to put the national interest first. Their continued bickering is grossly unfair. There is no winner, but there are many losers--thousands of American amateur athletes, the American athletic community, and the traditions of American sportsmanship. On behalf of sport, I call on these organizations to submit their differences to an arbitration panel immediately. If we do not, we will not have an Olympic team in 1964.[9]

This was followed up with an announcement by the President on December 24, 1962, in which he called upon the AAU and the NCAA to let General MacArthur arbitrate their dispute with reference to the formation of the 1964 United States Olympic team:

> The President hopes that both parties in this dispute will accept the services of this distinguished American whose long devotion to the Nation's interests and whose long connection with the field of sports uniquely qualifies him for this assignment.[10]

After much bickering and many accusations, arbitration under the auspices of General MacArthur began in January of 1963. Just prior to the convening of the two groups, Congressman Kornegay of North Carolina addressed the Senate on the importance of the talks and ended with a warning to those involved if the dispute went unsettled.

> These proceedings are of utmost importance to all of us. They involve no threat of thermonuclear war, or even of

> brush-fire conflict, yet their success or failure will have a direct bearing on the world prestige of the United States. . . . Certainly it would not be in the best interest of these talks for us to try to resolve the differences here, at this time. It could, however, become necessary for Congress to take action in the future should these negotiations fail to resolve what has snowballed into an intolerable situation.[11]

The proceedings culminated in a temporary agreement later in the month between both factions. This agreement called for a temporary truce which was to last through to the 1964 Tokyo Olympics.

It did not take long after the Tokyo Olympics for the dispute to surface once again. This immediately resulted in congressional action focused on remedying the situation. In April, 1965 the continuing dispute came to the forefront once again when the NCAA forbade its track athletes from competing in an AAU qualifying meet in San Diego, California, for places on an American team which was to compete later in the year in the Soviet Union. The basic reason for conflict was the AAU's refusal to allow the NCAA approval of the meet. Congressional pressure on the two feuding bodies to reconcile their dispute or face federal intervention was voiced by several congressmen:

> Mr. Speaker, the situation in amateur athletics is seriously embroiled in what appears to be irreconcilable conflict between the Amateur Athletic Union and the National Collegiate Athletic Association. I have written the President, and hope many Members do likewise, urging his intercession to resolve the controversy, possibly by the appointment of a special blue-ribbon commission.[12]
>
> And if the NCAA and the AAU cannot resolve their longstanding difficulties, then I believe that the Congress of the United States has an obligation to take appropriate action to insure that the athlete who represents this Nation abroad are the finest that we have to offer.[13]

On June 24, 1965 government intervention in the dispute received a boost from the Athletic Association of Western Universities when a statement was issued endorsing executive action.

> The continuing dispute confronts individual student athletes with unwarranted hazards, exposes educational institutions to untenable positions, and causes the Nation embarrassment and frustration in domestic and international athletic competition. The welfare of individual student athletes, the integrity of educational institutions, the public interest, all suffer from the failure to resolve the persistent struggle of amateur athletes within the United States. An effective settlement of this dispute leading to more reasonable regulations must be found for the good of all concerned. To this end, the AAWU has resolved to communicate with the President of the United States in an effort to enlist his services in setting up a procedure which will result in a binding arbitration of the indefensible dispute.[14]

Add to that the feelings on the topic expressed on the Hill by influential.Senator Robert Kennedy, and the foundation was laid for congressional involvement:

> There have been suggestions that the way out of this impasse is for the Government to establish a sports organization. I have some reservations about this, but I certainly think that as time goes by and the NCAA-AAU dispute deepens to the point where a boy like Jerry Lindgren may be penalized for wishing to represent his country against the Soviet Union, then I think that perhaps the time is here for the Congress to look into the alternative very closely.[15]

With genuine concern mounting throughout Congress, Senator Magnuson, chairman of the Senate Committee on Commerce, on July 15, 1965 announced:

> Mr. President, this dispute has continued long enough. It is now the duty of the Senate to speak out for those who have no voice. Therefore, I am pleased to announce that I will convene the Commerce Committee in special session to investigate every aspect of the NCAA-AAU controversy.[16]

Adding fuel to the fire for an investigation into the matter was the first loss by the United States to the Soviet Union in a dual track meet.

> Certainly the athletes who participated are to be congratulated on their efforts. At the same time, I cannot help noting that the dispute between the NCAA and the AAU, which the Commerce Committee will investigate beginning August 16, was also a factor in the defeat of the American team.[17]

Ten days of hearings were held in August of 1965 by the Senate Committee on Commerce, during which time a temporary moratorium was in effect between the two feuding sport bodies. The hearings concluded at the end of August. On September 1, 1965 an agreement was reached between the presidents of the NCAA and the AAU and the Senate Commerce Committee by which each president was to return to the board of directors of his organization and personally urge them to unconditionally accept binding arbitration on all issues in all amateur sports. Each president agreed to report acceptance or rejection to the Senate Commerce Committee Chairman by September 7, 1965.[18] In the event that either group's board of directors declined to accept binding arbitration, the chairman of the Senate Commerce Committee informed both parties that the Senate Commerce Committee would initiate action to effect binding arbitration by statute.[19] In addition, each president agreed to request his board of directors to accept a moratorium to govern the conduct of amateur sport until the Board of Arbitration rendered its decision.

Response by each organization's governing body differed. The NCAA agreed with the concept of an arbitration board and any decision it rendered, but the AAU tempered their acceptance:

> . . . it was the conclusion of the executive committee that the AAU is prepared to arbitrate any and all issues that are not beyond the prerogatives and jurisdiction of the AAU. . . . In regards to your words, "arbitration on all issues in all amateur sports," it must be borne in

> mind that the AAU has no authority to enter into arbitration concerning sports over which it has no jurisdiction.[20]

Therefore, even though the AAU did not totally accept the concept of binding arbitration, the Senate Committee on Commerce felt warranted to continue on without the need for passage of a law:

> These replies do not indicate an unconditional acceptance of the arbitration procedure by both parties. Nevertheless, the committee believes that they offer a sufficient and reasonable basis for convening an arbitration board. The committee is convinced that both the NCAA and the AAU are led by men of integrity and good will, who will not be content to let the vast and heretofore successful track and field programs in the United States bog down in a mire of conflicting jurisdictions and petty harassments. The committee genuinely believes that these groups in a spirit of good faith will fully avail themselves of the procedure set forth in the resolution.[21]

Acting on the premise that integrity and good will would prevail, the Senate on September 20, 1965 passed S. Res. 147, to establish a five-man independent panel--to be appointed by the Vice President of the United States--which would render final and binding decisions on amateur athletic conflicts.

> Resolved, that the President of the Senate is hereby authorized to appoint an independent board of arbitration composed of five members, one of whom he shall designate as Chairman, for the purpose of considering disputes relating to the conduct, development, and protection of amateur athletes, which are submitted to it by the parties to such disputes, and rendering decisions determining such disputes which shall be consistent with the purposes of this resolution and shall be final and binding on such parties.[22]

S. Res. 147 also called for an immediate and general amnesty to all those affected by the dispute and required the board to report to the Senate no later than February 15, 1966, and from time to time thereafter if it was necessary. At the same time that S. Res. 147 was being introduced, efforts were being made in the House to legislate into law a permanent settlement of the dispute. H.R. 10509 and

H.R. 10531 called for the United States Olympic Committee to mediate the dispute between the warring factions, but neither bill moved from their committees and each died at the end of the session.

On December 14, 1965 Vice President Humphrey designated the five members on the Board of Arbitration, headed by well-known labor arbitrator Theodore Kheel. The board (known as the Kheel Commission or Sports Arbitration Board) was to act in an independent manner on its own, with no federal funding.

During the period from January, 1966 to May, 1967 the Sports Arbitration Board held seven formal hearings throughout the United States in hopes of obtaining a mediation between the disputants. Problems continued when, in June of 1966, a world record half-mile run by Jim Ryan was refused recognition by the AAU because the meet was sponsored by the NCAA's unofficial appendage, the United States Track and Field Federation. Since the AAU was recognized by the International Amateur Athletic Federation as the sole sanctioning governing organization for track and field in the United States, the record was not recognized internationally and bickering and sanctioning problems continued between the two groups through 1966. In August of 1967 Senator Pearson addressed the Senate on the continuation of the feud and recommended further legislation:

> Mr. President, more with a feeling of frustration and sadness than with anger, it is my conclusion that the controversy between the Amateur Athletic Union and the U.S. Track and Field Federation is of such duration, of such injury to the student athlete and to the best interests of amateur athletes, and that it continues to be so far removed from a reasonable settlement, that Federal legislation is required.[23]

Senator Pearson then proceeded to introduce three bills to solve what he saw were the problems, each relating to a specific topic. S.J. Res. 59, introduced on April 3, called for the President of the United States to appoint, by and with the advice of the Senate, eleven individuals who were to form the United States Track and Field Association, which would have exclusive jurisdiction over all policy matters in track and field in the United States along with powers to arbitrate a binding decision for any disputes arising in that area. This third body was to supersede all other track and field organizations in the country.

On April 12 Senator Pearson introduced the other two resolutions. S.J. Res. 67 was to establish the United States Track and Field Commission, which was to be a federal agency to rule track and field--quite similar to the previous commission advocated in S.J. Res. 59. The second resolution, S.J. Res. 68, called for a general amnesty between the AAU and NCAA and established an arbitration board of seven members, with representatives from both organizations on the board together with additional members appointed by the President of the United States. Final decisions by the board were to be binding on both parties.

Similar action on this matter took place in the House during this same period. Five bills were introduced to "provide for a Federal Athletic Commission to regulate organized sports when and to the extent that such regulation is in the public interest."[24] Although somewhat similar in nature to the Senate resolutions, the House bills were not just limited to one sport but pertained to all organized amateur sports. Pressure was additionally placed for federal action in the same manner when, in May of 1967, the Policy-Making Council of the National Collegiate Athletic Association approved a virtual ultimatum concerning the long-standing dispute: "The Council voted to support a federation proposal that if settlement of the dispute cannot be obtained in another mediation session with the sports arbitration board, that the issue should be decided in the courts or by Congress."[25]

Amid the mounting pressure and controversy, and the desire by Senator Pearson to schedule hearings on two of his bills, the chairman of the United States Senate Committee on Commerce, Senator Magnuson, sought to have a complete report of the status of the controversy and of the efforts of Theodore Kheel's Arbitration Board which had been created to resolve the problem.

Hearings were held for two days in August of 1967 before the United States Senate Commerce Committee and were highlighted by the appearance of the chairman of the Sports Arbitration Board, Theodore Kheel, who told the Commerce Committee exactly what had transpired since the creation of the board, and just why it was taking so long for an agreement to be reached.

> We have in our files all of the information we need to make an intelligent decision. We have been delayed mainly because we have tried to bring about a negotiated settlement rather than to impose one. The reason for this is simple. Under the best of circumstances, our decision will be useful if, and only if, the organizations involved are disposed to make it work. If they set their minds to frustrate our award, no matter how carefully we frame it, they will, I am sorry to say, succeed.[26]

Kheel then went on to outline the main stumbling block:

> From the very outset, all of the participants have sought to impose reservations on the authority of this

> Board which, whether intended or not, would place them in a position to challenge our award if it does not come up to their expectations.[27]

As if to reinforce Kheel's statement, various representatives of each organization then proceeded to testify as to what they would and would not accept. An exasperated committee member, Senator Pastore, in a heated dialogue with J. Stacey Sullivan, Jr. (vice president and counsel to the Amateur Athletic Union) and Professor Marcus L. Plant (president of the NCAA), pointed out the emotional and frustrating situation which existed.

> Senator Pastore . . . If we are going to recognize that this Board is a good board, a worthy board, why don't both sides come forth and say, O.K., we will rub the slates clean, no matter what the difficulty is, we will make our presentation and then we will abide by the decision of the Board? Why isn't that the answer to it? Why do you people have to keep coming back to the Congress? Why can't you act like reasonable people? I can't understand this.
>
> Mr. Plant. Well, Senator--
>
> Senator Pastore. I repeat again, maybe I over-simplify a very complex problem, but it strikes me there is a little too much obstinacy here. . . . But if you do have an arbitration board, and you say you are perfectly willing to approach this problem without reservations--I would like to ask Mr. Sullivan, are you willing to approach this without reservations?
>
> Mr. Sullivan. We have not accepted final and complete binding arbitration, nor has any party to it.
>
> Senator Pastore. All right. Your answer is no.
>
> Mr. Sullivan. The answer is really that there are international implications---
>
> Senator Pastore. You want to pitch but not play ball. That is all. It is as simple as that. It strikes me, the only way to resolve this is for Congress to step in and tell you what to do, in other words, to protect these young people.[28]

In the end nothing concrete was accomplished; the hearings adjourned with no final decision made, and the Arbitration Board went back to attempting to mediate the dispute.

At this time a change began to take place as the threat of possible Soviet superiority in athletics as a reason for federal involvement began to recede. Replacing the Soviet threat was the need to protect the rights of the individual athlete, brought about again by the continuing NCAA-AAU conflict. Early in 1968 controversy between the two sport-governing bodies again arose when the AAU threatened to ban from international competition any athletes competing in a February track meet sponsored by the U.S. Track and Field Federation after the NCAA had refused to comply with AAU demands that it be asked to sanction the meet. The NCAA then countered by announcing that effective November 1, 1968, it would insist on the right to certify all track and field meets in which NCAA athletes took part. Caught in the middle again were the athletes themselves, and various congressmen reacted quickly to introduce the first legislative bills which came to be known as "The Amateur Athletes Bill of Rights." On January 18, 1968 Senator Griffin, not waiting for the pending Sports Arbitration Board's final decision, introduced S. 2836, a bill

> . . . to provide for the broadest possible participation by amateur athletes in competitive sports by prohibiting unreasonable restrictions on such participation by private sports groups and operators which sanction or encourage amateur athletic events.[29]

This was followed by similar bills in the House, notably H.R. 14815, H.R. 14898 and H.R. 15347. The objective in all these legislative attempts was to allow the athlete freedom to participate in any amateur meet without fear of recrimination by sanctioning sport bodies. Before further action on this matter could take place, hearings before the U.S. Senate Committee of Commerce were called on

February 1, to receive the final Sports Arbitration Board report, and these bills fell by the wayside until renewed efforts were made in this area in the seventies.[30]

Sports Arbitration Board Decision

Citing the Arbitration Board's unanimous agreement that the formation of a single organization for the governance and promotion of track and field sports would be the best method of ending all disputes in this area, the board disclosed its inability to set up such an organization unless the parties concerned were willing to cooperate in making the organization a success.

> That kind of cooperation cannot be commanded. Nor could this board provide a method of financing such an organization. Without money obviously it could not operate. Furthermore, whatever blueprints were drawn, any of the major parties could easily prevent them from operating successfully. Until the parties change their attitude, therefore, an interim method of accommodation must be found.[31]

The interim method of accommodation was to specify a six-point program which outlined exactly which governing sport organizations were responsible for track and field competition in international, closed, open domestic, and undergraduate athletes in open meet competitions. In addition, a coordinating committee was to be established with equal numbers of AAU-AAIA and NCAA-USTFF members, with an impartial permanent chairman who would have the power to render a final and binding decision in disputes. The arrangement was to be binding for the parties involved for five years.

In discussing the decision, Board Chairman Kheel reiterated the fact that the decision was binding upon the parties but that without their cooperation in the matter, the decision would be useless.

Perhaps Kheel had a premonition of things to come in this regard.

> We did set out to bring about an agreement, although we were acting pursuant to a Senate resolution which designated us as arbitrators empowered to make a final and binding decision. We felt--and we still feel--that the acquiescence of the parties to an arrangement, whatever that arrangement may be, is essential, and we do say that while our decision is final and it is not negotiable and not subject to change, and it is the end of the work of the Sports Arbitration Board in the area of track and field, that if the parties that are involved and covered by it set out deliberately--and I don't believe they will--to frustrate our decision, they probably will succeed.[32]

On February 26, 1968 the Amateur Athletic Union announced acceptance of the Arbitration Board's decision. One week later, on April 3, 1968, the U.S. Track and Field Federation and the NCAA rejected the decision completely, citing the failure of the Board to create a single-purpose track and field organization and to settle what was termed critical disputes. In addition, both the NCAA and USTFF demanded an antitrust investigation of the AAU by the Department of Justice.

While there was little congressional outrage or dismay voiced at the decision by the NCAA and the USTFF, attempts were made early in 1970 to pass legislation to investigate the NCAA, mainly with the idea of protecting the athlete. This action stemmed from two episodes, one in which the NCAA placed Yale University on a two-year suspension for allowing one of its athletes to participate on its varsity basketball team after he had participated in the Maccabiah games in Israel under the auspices of the International Amateur Athletic Union; and the other, the barring of San Jose State's track team from competing in national championships because two of its athletes had taken part the year before in two uncertified meets.

Four resolutions were introduced into the House (House Resolutions 802, 820, 821 and 879) which called for the creation of a select committee to conduct an investigation and study of the organization. Although concerted efforts were made to arouse their fellow congressmen to the need for such an investigation, Congressmen Michel and Giaimo could not muster enough support for passage of the resolutions.

Increased Interest in Controlling Amateur Sport

With the negation by the NCAA and the USTFF of the Kheel Arbitration Board's decision, congressional interest in the AAU-NCAA dispute diminished somewhat, except for occasional forays into the continuing dispute when it was thought that United States international sporting prestige was endangered. In its place began a continued increase in congressional interest in the individual rights of amateur athletes as instances of amateur athletic sporting body organizational problems came to the attention of the Hill. This led to individual types of bills which called for investigations or the revamping of the structure of amateur sports to cure specific ills which were hurting the athlete. Eventually these various attempts were combined into an all-encompassing omnibus sports bill in 1973 which was to protect and promote amateur sport in the United States.

The 1972 Olympic games in Munich, Germany, provided the background for increased congressional protective involvement in amateur sport in the United States. While it was not the assassination by Arab guerrillas of eleven Jewish wrestlers that roused Congress to question American participation in the Olympics, it did focus attention on the games themselves. Thus, when numerous American blunders occurred--such as the failure by athletes to report promptly for time trials, the denial of an American swimmer a gold medal because of the use of illegal medication, and the banning of two American Olympic medal winners by the International Olympic Committee because of disrespect--Congress began to look into the matter. Added to these problems was the first loss in Olympic competition of a United States basketball team and the constant prodding by the nation's press.

> What is needed, really, is an entirely new organization to run the show for the United States in 1976. At Munich, the USOC clearly demonstrated woeful inefficiency and simple bad manners. Given this lack of direction, it was often an embarrassment being an American at the Games.[33]

In the House, Joint Resolutions 1310 and 1329 were introduced in September, which called for the establishment of a national commission to investigate the Olympic games of 1972. A similar type of bill, H.R. 16824, was introduced the same month by former Olympian, Congressman Bob Mathias, but all these bills were unsuccessful.

The Senate did take action on an amendment by Senator John Tunney to a bill which pledged $15.5 million in federal aid to Denver for the 1976 Winter Olympics. Tunney's amendment called for creation of a seven-member commission, to be appointed by the President, which would review not only the future participation of American athletes in the games, but also the role of the United States Olympic Committee in international sports. The bill was passed and went to the House where it died when Colorado voters defeated state funding legislation for the games.

Adding fuel to the controversy, the NCAA on October 26, 1972, announced its withdrawal from the United States Olympic Committee, citing that:

> It is apparent the current USOC apparatus is not responsive to the need of those it is primarily supposed to serve--the athletes. . . . The time has come for constructive reform if the United States is to be properly represented and our athletes are to be properly prepared for future Olympic competition.[34]

Charles M. Neinas, chairman of the NCAA's International Relations Committee, outlined the course of action remaining:

> We hope this action will dramatize the need for Congress to establish some type of commission to restructure the USOC and modernize it with the times. . . . We've exhausted every way and it will have to be done externally, and the only force with enough power to do that is the agency which gave it the charter--Congress.[35]

Congressional attempts to investigate the United States Olympic Committee again were made early in 1973 when Senator Tunney introduced S. 1018, "The National Olympic Commission Act of 1973." A similar version of the bill was also introduced into the house as H.R. 5617. Tunney's bill called for the creation of a national commission on the Olympic games, composed of nine appointees of the President of the United States, whose duties would be to review the question of United States participation in the Olympic games and to evaluate and formulate recommendations concerning such participation.

Before congressional concentration on this aspect could begin, another controversy between the AAU and NCAA arose which caught the attention of Congress. On February 13, 1973 the AAU announced that the Soviet Union Basketball Team would tour the United States for a series of games beginning late in April. One week after the announcement, the NCAA declared that all college coaches and undergraduate players under the auspices of the NCAA were barred by NCAA rules from participating in the games because the AAU had not contacted the NCAA before making the February 13 announcement. Citing the proposed Soviet basketball tour as "an ill-conceived television venture," NCAA's executive director, Walter Byers, suggested the tour violated rules governing international basketball exchanges, was proposed at a time which was of greatest disadvantage to the American athletes, and called it a disservice to international relations.[36]

Congress immediately took note, possibly through fear of a weakened United States basketball squad facing a Soviet Olympic gold medal winner and in late February, 1973 the House Special Education Committee announced hearings would take place on the jurisdictional dispute, beginning March 5. During the hearings two new House bills which grew out of that crisis were introduced for consideration. H.R. 5623, by Congressmen Dellenback and O'Hara, would have amended the Higher Education Act of 1965 to protect the freedom of student-athletes and their coaches to participate as representatives of the United States in amateur international athletic events. The other, H.R. 5624 by Congressman Peyser, known as the "Federal Scholastic and Amateur Sports Act of 1973," likewise had as its purpose the protection and promotion of the interests of collegiate and other amateur athletes in the United States engaging in international competition, but it created a federal scholastic and amateur sports commission within the Department of Health, Education and Welfare which would oversee the participation of the United States in international athletic competition. The commission was to consist of five commissioners, appointed by the President of the United States, and was to establish an amateur sports advisory council with which it could consult before prescribing a sports rule or regulation. Both bills were discussed during the seven days of hearings, but no further action was taken on them. Six additional bills, similar to Dellenback and O'Hara's bill to amend the Higher Education Act of 1965, met a like fate.[37] Although the hearings seemed to take the same bent as numerous ones in the past in that representatives from both feuding bodies accused the others of wrongdoing, behind the scene congressional action was taking place.

On March 13, 1973 Senator Marlow Cook introduced S. 1192, to establish a federal amateur sports commission (Federal Amateur Sports Act of 1973). By it a federal amateur sports commission was to be established within the Department of Commerce, consisting of three commissioners appointed by the President with the Senate's consent. In addition to furnishing the President with an annual report, the commission was to have the authority to promulgate rules or other regulations concerning the participation of American citizens in international competition and the use of facilities of all educational institutions which received federal financial assistance. It also was to have a sports advisory council for consultation. In addition, the commission was to establish within its organization a division of athletic facilities and a division of safety and health. To carry out the provisions of the act, a sum of three million dollars was to be appropriated for the fiscal year ending June 30, 1975, with larger sums in the succeeding years.

In introducing his bill, Congressman Cook identified the problem as he saw it.

> The situation is crystal clear--the amateur sports hierarchy, riddled by divisiveness, is not functioning in the best interests of the athletes. Rather, that hierarchy has become a self-perpetuating, self-aggrandizing system which seriously jeopardizes the ability of the United States to field representative teams in international competition.[38]

This was followed, on April 3, 1973, by House bill H.R. 6525 and two similar bills, H.R. 6526 and H.R. 6581, by Congressman Peyser and nineteen cosponsors, which were replicas of Peyser's previous "Federal Scholastic and Amateur Sports Act of 1973" (H.R. 5624).

The main attention in Congress, however, focused on one aspect of the continuing amateur feud--the possibility of the United States not "suiting up" the best amateur basketball players for the Soviet Union encounter. On April 2, the last day of hearings before the House Special Subcommittee on Education, Congressman Peyser announced to Walter Byers, executive director of the NCAA, who was testifying before the committee, the deep concern of Congress on the matter and introduced what proved to be congressional pressure on the NCAA to lift its ban on college players for the tour.

> To give you an idea of the depths of the concern facing the people of this country today as reflected in their Representatives, aside from the fact that between Congressman O'Hara's and my own legislation we have over 80 and possibly 90 cosponsors in the House of Representatives, I have just received a few minutes ago a letter that is addressed to you and will be delivered to you. This is a letter from members of the U.S. Senate sent to me by Senator Cook, who as you know, has been active in this area. This has signatures of 25 Republicans, 23 Democrats, 8 committee chairmen, and 9 ranking minority members of the committees. . . . They represent 50 States in this country, and they indicate that they just put this together in the last day and a half. They probably could have had the entire Senate.[39]

Congressman Peyser proceeded to read the contents of the letter:

> As a member of the U.S. Senate in an effort to promote and encourage athletic competition and to continue the spirit of multinational cultural exchange, I respectfully urge you to permit athletes of NCAA member institutions to participate in the forthcoming series of basketball games with the Russian National team, without fear of reprisal or penalty to those athletes or institutions.[40]

Congressman Peyser then submitted to Byers a request to relinquish the stand the NCAA had taken.

> I guess what I am really asking you and the other organizations to do is put aside as much as possible this feud and to think that the United States of America has a team in competition, and we want to put our best team forward and that this calls for some extreme action.[41]

After some discussion on the matter, Byers conceded, thereby ensuring a strong American representative for the series.

> In defence to the chairman and the subcommittee, and the desire to see some progress made, as you have described it, Mr. Peyser, and without in the slightest relaxing our opposition to the planning, promotion, and timing of the tour, the 11th hour promotion through a network, and all the related academic problems of the students raised by a competition coming at the end of a touch tournament season, the officers of the Council are amenable to amending the 30-day requirement, providing the AAU will apply for approval just as any other sports organization in the country does, so we are not in the business of double timing our friends.[42]

On April 7 the National Collegiate Athletic Association Council approved participation by undergraduate student-athletes, thus ending temporarily the continuing feud between the sport governing bodies.

With the problems of the Soviet Union-American basketball series behind them, Congress once again turned to the task of legislation to reform amateur athletics. On April 16, 1973 Senator Pearson introduced S. 1580--"a bill to regulate interstate and foreign commerce as it relates to the conduct of organized amateur athletic competition within the United States and the participation of American athletes in international amateur athletic competition." Senator Pearson's bill would have established in the executive branch of the government an independent agency to be known as the United States Amateur Sports Association Board, which would consist of five appointed members by the President with the advice and consent of the Senate. The board was to be empowered to establish rules and regulations under which United States sports associations would be issued federal charters as the sole sanctioning authority for open amateur athletic competition in the United States.

Pearson's bill would result in a shift in the power structure of the United States Olympic Committee, since under its provisions no United States sports associations could hold more than one charter. In addition, the bill would require a United States sports association's governing body to include among its voting members no fewer than two individuals who were actively engaged in amateur athletic competition, with their voting power no less than 20 percent of the total voting power held in the governing body.

To Senator Pearson the bill was the only recourse.

> While I recognize that many dedicated, hard-working individuals are committed to preserving the integrity of their organizations, I believe that events of the past few years, and especially those of the last six months, have demonstrated that only Federal intervention can resolve the fundamental problems which exist. But because I am not convinced that the Federal Government should become directly involved in the administration of amateur sports, I have provided a proposal by which we can accomplish a badly needed reorganization of amateur sports, while retaining the best features of private control. My bill offers a way to insure that amateur athletes have a strong voice in the sports organizations. It also clearly establishes the principle that the USOC and all U.S. sports associations are ultimately responsible to the American people.[43]

Pearson's bill, which was sent to committee, was followed by the introduction in the Senate on May 2, 1973 of S. 1690, by Senator Gravel and seven influential cosponsors, some of whom were Senators Thurmond, Humphrey and Goldwater, to establish a national amateur sports development foundation. The bill, to be known as the "National Amateur Sports Development Foundation Act of 1973," was to create a nongovernmental agency known as the National Amateur Sports Development Foundation which would plan, coordinate, promote and support the conduct and development of amateur sports throughout the United States.

A similar type of bill was before the House at this time, H.R. 3441, introduced by Congressman Kemp. The bill called for the President of the United States, with the consent of the Senate, to appoint a board of sixteen members and a president. The board was to have an appropriation of one million dollars. Basically the foundation would be concerned with the policy, planning, conduct and development of all kinds of sports for individuals of all ages, through the administration of grants-in-aid, the stimulation of research and development, the provision of promotional and managerial assistance, and the dissemination of sports information. As such, the foundation was to act as a vehicle for fund-raising and coordination in amateur athletics. S. 1690 was forwarded to committee where hearings would later be held on it and three other bills. While these bills were for promotion of sport, they are mentioned here because they became part of a bill which considers several factors, the major thrust of which is of a protective nature.

On May 17, 1973 Senator Stevenson added another to a growing list of sport bills introduced into Congress, proposed S.J. Res. 111.

> The United States must be permitted to field the best amateur athletes in international competition. If these

> problems are not prevented voluntarily, Congressional intervention and federal regulation may be inevitable. . . . The time for voluntary settlement may be growing short--but I believe there is still time, and that Federal regulation may still be avoided. The resolution I am introducing today will facilitate such a voluntary settlement.[44]

Stevenson's joint resolution called upon the President to convene a White House conference on amateur athletics, conducted under the Secretary of Commerce, which would make recommendations concerning problems relating to the organization or regulation of amateur athletics in the United States. Within ninety days after the conference began, the Secretary of Commerce would transmit to the President and the Congress his recommendations, including any legislation necessary to implement the recommendations in the report. S.J. Res. 111 was sent to the Committee on Commerce where it, and similar bills like it in the future, remained.

In May, 1973 the Senate finally began action on four of the sport bills which had been introduced previously. Hearings were held for three days on S. 1018--Senator Tunney's "National Olympic Commission Act of 1973," Senator Cook's S. 1192 which would establish a federal amateur sports commission, S. 1580 by Pearson to regulate interstate and foreign commerce as it related to the conduct of organized amateur athletic competition within the United States and the participation of American athletes in international amateur athletic competition (the "Amateur Athletic Act"), and Senator Gravel's S. 1690 to establish a national amateur sports development foundation (National Amateur Sports Development Foundation Act of 1973). After numerous witnesses representing amateur athletic organizations and various athletes had testified before the Commerce Committee, Senator Tunney concluded the hearings with a statement on the need for legislation.

> I can only say that from what I have heard so far, as one man, it seems clear to me we must have a mechanism, a Federal mechanism, in which to reconcile the problems that presently exist with amateur sports in this country. We are going to have to have some means of bringing about a greater unity of cooperation and development of our athletes. We are going to have to have a structure whereby athletes can freely compete without fear that they are going to be eliminated from competition if they participate in other associations' sporting events.[45]

Amateur Athletic Act of 1973

Not long after, on June 27, 1973, the Senate Committee on Commerce reported out an amalgamation of Senator Cook's (S. 1192), Tunney's (S. 1018), Gravel's (S. 1690), and Pearson's (S. 1580) bills in the name of the "Amateur Athletic Act of 1973." S. 2365, cosponsored by Senators Pearson and Tunney, was the most comprehensive amateur sport legislation ever offered in Congress. In a press release that day, the purpose of the bill was spelled out by Senator Tunney.

> The primary purposes of this bill are to protect the right of amateur athletes in open competition events (such as an invitational track or swimming meet) to ensure that our Olympic participants have the administrative support they need, and to begin a program of amateur sports development.[46]

The provisions embodied in S. 2365 were divided into two titles. Title I of the act would establish a United States amateur sports board as an independent agency in the executive branch of the government. This board was to consist of five members (one athlete) appointed by the President with the consent of the Senate. The primary function of the board would be to issue charters which would designate private nonprofit amateur sports organizations as United States amateur sports associations. Within two years after passage of

S. 2365 no unrestricted amateur athletic competition could take place in the United States without the association's sanction.[47]

To be able to receive a charter, sports organizations would have to comply with conditions spelled out in the act. Basically the United States sports association would act as representatives of the United States, both to the appropriate international governing body and of the athletes competing in international competition; would designate individuals and teams to participate in international competition and certify in accordance with international rules the amateur status of such individuals and teams; and would conduct domestic competitions, including Olympic trials or exhibitions with representatives of foreign nations. Finally, it could take whatever actions were consistent with the act to ensure the safety and well-being of athletes representing the United States in international competition in its sport or sports.[48]

As such, each association was to be limited to a charter only in one sport unless it could demonstrate to the board that more than one would benefit sports from a common administration.[49] Under no circumstances were there to be more than three charters per association, thus assuring a reduction of the eight sports which the AAU controlled. In case of disputes involving associations, athletes and associations, or associations and sports organizations, the board would be authorized to act as a mediator and its decision would be binding providing both parties consented to mediation.

Within the board was to be established a division of athlete facilities and a division of safety and health. The division of athletic facilities was to be responsible for gathering data and making information available to improve the use of athletic facilities in the United States, while the division of health and safety was to perform a similar function in the field of athletic health and safety.

> The Division would collect, analyze and disseminate data to other interested parties concerning (1) the prevention and treatment of athletic injuries; (2) the use of drugs in sports; (3) the effects of amateur sports on the mental health of participants; and (4) other subjects relating to sports medicine, health and safety.[50]

In addition, the board was to be required to name a nine-member United States Olympic Commission to review the participation of the United States in the Olympic games and to examine the programs, policies and conduct of the United States Olympic Committee, and to make its report to the President, the Congress and to the board by March 15, 1974.[51]

Title II of the act was to establish the national sports development foundation which was basically the same as Senator Gravel's S. 1690, which he introduced on May 2. The bill provided that the trust fund established by the foundation would be composed of private gifts and matching public funds, up to a limit of $100 million.

In its report the Commerce Committee outlined the reasons for the need of this legislation:

> The bill was developed in response to serious concerns with respect to the following four distinct, but related, aspects of amateur sports: (1) problems stemming from the organization of amateur sports at the international level; (2) problems arising from disputes among domestic sports organizations; (3) the need for improved methods for collecting and disseminating information about athlete health and safety and the use of sports facilities; and (4) the lack of funds for the development of amateur sports in the United States.[52]

As if to quiet impending criticism of the bill, Tunney, in his press release announcing the bill, attempted to squelch anticipated arguments:

> This legislation does not create a massive bureaucracy to interfere in the day-to-day operation of amateur sports. . . . It does not affect intercollegiate competition or competitions between high schools.[53]

Opposition to the bill came quickly. On June 29, 1973 twenty-three amateur sports federations and the United States Olympic Committee, gathering in a confederation, issued a resolution in regard to the bills and labelled them "unacceptable in their present form with government control as its main thrust."[54] In a formal statement, USOC President Philip O. Krumm announced: "Without any question, this is the most dangerous legislation ever put forward . . . because it calls for regimentation of our amateur (sports) organizations by government control."[55]

Additional opposition by the USOC rested on their belief that the proposed legislation, with government control as its main thrust, could result in the USOC losing recognition of the International Olympic Committee, which in turn would result in the United States being barred from the Olympic games. According to Rule 25 of the International Olympic Committee, the National Olympic Committee of each nation had to be completely independent and autonomous and had to resist all political and religious or commercial pressure.[56]

Opposition also came from high school federations, the one million membership National Rifle Association,[57] and the Amateur Athletic Association, which asked its members to write Congress to voice opposition to the proposed bill.

> Your response to our request for letters and telegrams to the members of the Senate has been terrific. Every one of the 100 U.S. Senators has received mail expressing

> opposition to government control of amateur sports. Each is aware of the ever-increasing opposition to the dangers of the proposal as written. But we mustn't let our guard down. Our legislators in Washington must be fully aware not only of our strong opposition to the Amateur Athletic Act of 1973, but also of the reasons we object to this governmental intervention in the private section of American life.[58]

The NCAA, although not outwardly opposed to the bill, took a wait-and-see attitude at this time, while endorsing House bills H.R. 9171 by Wright and Sisk, H.R. 9177 by Teague, and H.R. 9150 by Devine. These bills were similar to the original bills put forth by Tunney and Pearson which provided for the examination and restructuring of the USOC by the creation of a board which, after five years, would dissolve leaving control of each amateur sport to the organization which the board designated.[59]

In response to the mounting opposition, the sponsors of S. 2365 released, on July 16, a statement which attempted to qualify points of dispute.

> An intensive lobbying effort is being conducted to defeat the Amateur Athletic Act of 1973, recently ordered reported by the Senate Commerce Committee. The effort has consisted primarily of extraordinary statements which are based on misinformation, misinterpretation, and conjecture. Many sports groups have been led to believe that the bill would result in the regulation of amateur sports on every level, including intercollegiate (college) and interscholastic (high school) programs. This is simply not true.[60]

On the floor of the House, Congressman Herman Badillo, whose similar bill (H.R. 10190) was before the House Committee on Education, also referred to the mounting opposition by sport groups who were to be most affected by the legislation.

> Almost all of these letters and telegrams express either the ill-founded fear that the Congress seeks to impose its will over the governance of amateur athletes in this country

> or the misbegotten notion that some type of vast federal bureaucracy will be superimposed on sports in the United States. It is rather curious to note that very little, if any, mention is made of the role of the amateur athlete himself. It seems clear that what these various governing bodies are most concerned about is their own skin and the fear that, at long last, they may be subject to close, public scrutiny.[61]

By August of 1973 the NCAA's "wait and see" position seemed to have evolved into a definite stand of opposition to the amateur athletic act. In an article in the San Diego Union, public relations director Jerry Miles pointed out the NCAA position. While favoring legislation to establish a commission to study all USOC problems and American participation in the Olympics, along with the proposal to direct the Commission to return to Congress with specific legislative proposals for reform, the NCAA took opposition to other points in the bill.

> No multi-headed federal bureaucracy should be established over amateur athletics in the United States. A permanent federal board, with two substantial staff divisions, and a federally-chartered and funded foundation, plus the Olympic commission, are not the answer.[62]

The same day Senator Tunney reported the Amateur Athletic Act of 1973, S. 2365, to the Senate with changes in the form of amendments.

> In an attempt to strengthen the legislation and to accommodate the questions which have been legitimately raised concerning this legislation, we have changed and attempted to clarify certain parts of the bill. . . . This amendment is designed to eliminate any confusion as to our purposes or as to the scope of the bill.[63]

Amendment No. 459, among other things, redefined international competition and restricted competitions to assuage confusion among interscholastic and intercollegiate organizations, limited the restructuring to only Olympic sports, and established a permanent group to mediate athletic disputes. According to Tunney, however --

> The most important substantive amendment contained in this amendment is in section 204(d). It recognizes, for the first time, the right of amateur athletes to compete in unrestricted competitions sanctioned by the appropriate sports associations. It will mean an end to the time when an athlete risks his eligibility for future interscholastic, intercollegiate or international competition merely because he competes in an unrestricted competition.64

Obviously cognizant of education's negative view toward intrusion into what they would deem their domain, Tunney tempered his remarks by introducing an exception for education.

> We recognize that educational institutions, both colleges and high schools, have certain legitimate interests which they may seek to protect by formulating rules limiting athletes in competing when such competition interferes with a valid educational function. Therefore, the only allowable exception is a denial based on rules which are reasonable and related to education.65

As if to prevent such institutions from applying this exception too whimsically, Tunney warned that just cause would have to be shown.

> However, if a school or college wishes to enforce such rules, the burden is on the institution to appear before the Board and demonstrate to the Board's satisfaction that the rule is reasonable, related to the educational development of such athletes, and was published before the denial of the right to compete.66

Tunney's amendment did not win over the powerful NCAA and the National Federation of State High School Associations. They remained adamantly opposed to a bill which they felt would intrude into their own domain. Instead, they advocated passage of either H.R. 9171, H.R. 9150, or H.R. 9177 and a bill introduced by Congressman Dellenback (H.R. 8989), which would have established a seven-man board similar to S. 2365 but without a board for athletic facilities and health safety. Also, these bills did not call for a national sports development foundation. Additional opposition to S. 2365 came from a variety of sources. Personal letters were sent to all senators by the president of the National Association of Collegiate Directors of Athletics: "We believe the bill would seriously cripple United States' amateur domestic sports programs. We ask you to vote against the legislation and defeat it."[67]

Lobbying, however, was not one-way. Many labored for passage of the bill as is evidenced in this letter to Senator Daniel Inouye by New York Times sports writer William N. Wallace, in which an attempt was made to discredit opposition to the bill.

> Criticism of the bill comes in two parts, I believe. First, government "interference" into our beloved world of sports is dangerous, undemocratic and a threat to our freedoms. This point of view fails to take into account the National Council for the Arts and Sciences (after which the National Sports Foundation will be modeled) or even the Smithsonian Institute which exist quite well with Federal funds and without Federal interference. The second cultural point comes from existing sports organizations which fear their loss of recognition or sanction from international bodies. Although I believe their fears to be exaggerated, the bill may have to be modified on this point alone. Its sponsoring parties are agreeable to amendment. But to deny a bill of this scope or potential on account of some procedural debates regarding systems would be tragic.[68]

Additional attempts to slow passage of the bill were taken in late September when the executive committee of the National Association of State Universities and Land Grant Colleges called for hearings on S. 2365. On October 3, 1973, S. 2365 was taken up on the floor of the Senate. Senator Tunney, possibly feeling Senate opposition, described again the organized campaign to impede passage of S. 2365.

> I might say that when this legislation was passed out of the Commerce Committee, there was a propaganda campaign against it by the NCAA and the AAU, in which they called this the most dangerous federal legislation to come out in this

> century, that it would be a takeover of amateur athletes by a Federal bureaucracy, and that it was going perhaps to involve billions of dollars in which the Federal Government was going to control and manipulate individuals. It just so happens that this legislation is supported by every amateur athlete I ever talked to. It is probably supported by 99 percent of the amateur athletes in this country. It is supported by 90 percent of the sports writers in this country.[69]

Chances of passage were slim, even though Tunney noted that numerous amendments had been introduced into the bill to clear up lingering discrepancies and points of conflict voiced by the schools and colleges.[70]

In the midst of discussion Senator Dole introduced his amendment to S. 2365, which called for the creation of a five-member amateur sports association board chosen by the President and which would be the sole chartering agent for sport associations in the United States with powers to restructure the membership of the United States Olympic Committee. After such a reorganization the board would be dissolved. In addition, it included an athlete's bill of rights and provided for the creation of a national commission on the Olympic games to review United States participation and determine how such participation could be enhanced. A national amateur athletic sports information center was to be established within the Department of Health, Education and Welfare to work in conjunction with the President's Council on Physical Fitness and Sports. Its job would be to locate, collect, review, organize, publish, and disseminate information and data related to athletes. Although the amendment was similar in some aspects to S. 2365, it lacked a national sports development foundation.

> I would definitely agree with the (six) basic purpose of the foundation proposal, but it would appear that the administrative costs of establishing and operating an

> additional program as well as the fact that the proposal ties up $50 million in federal money over an extended period of time might lead one to conclude that these additional moneys might better be spent on an on-going federal program which helps serve the needs of amateur athletes.[71]

In reference to the charge against S. 2365 by school and college administrators, that it would make substantial inroads into the autonomy of higher education institutions by giving a federal board authority to review their athletic rules and policies and determine whether such rules were reasonable and educational, Senator Dole cited the changes made in this regard in his amendment.

> The substitute would leave these issues to the courts rather than a federal regulatory agency. By providing that actions may be brought not only by the athlete personally, but also on his behalf by any sports club or association to which he, his institution, or his coach belongs and by specifying that attorney's fees may be rewarded, it ensures that there will be ready access to the courts.[72]

Dole then summed up exactly what his amendment was attempting to do:

> In sum, the substitute proposes a minimum of intervention by the Federal Government in amateur sports, while at the same time promising effective action directed to the real problem areas which have affected the country's international sport effort.[73]

With the possibility of S. 2365 being defeated if a roll call vote were taken at that time, Senator Cook made a motion to recommit S. 2365 to the Committee on Commerce where it could be studied further and where possible hearings might be held. The motion was passed with the provision that the bill would be reported back to the Senate no earlier than November 8. Many hailed this move on the part of the Senate and regarded the bill's recommittal as a victory against federal involvement in amateur sport: "The decision can be interpreted as an expression of the Senate's reluctance to have the federal government assume control of amateur athletics."[74] The collective lobby of a number of sport associations had succeeded in temporarily halting passage of the bill, which would have profoundly affected their organizations. However, lobbying efforts by these groups did not end as members in these organizations were urged to continue their efforts: "The battle is not over. Personal contacts should be made during the Senate break this month."[75]

With S. 2365 back in committee under study, Congressman Mathias, with the backing of the United States Olympic Committee, introduced on November 1, 1973, bill H.R. 11242 to amend the United States Olympic Committee's federal charter to provide for arbitration by the American Arbitration Association of challenges to United States organizations holding international franchises for particular sports and for arbitration in disputes between national sports organizations. In addition, the amendment contained a "Bill of Rights" for amateur athletes in the United States.

> My bill is different from the others which are pending in the House and Senate in that there is no new federal bureaucratic agency created. The federal government must stay out of amateur sports if we want to continue to send teams to participate in sanctioned international competition, including the Olympic Games. My bill will give every amateur athlete who meets the international and national rules of competition in a sport, the right to attempt to qualify and participate in international competition if qualified.[76]

Mathias' bill was followed by the introduction in the House shortly afterwards of a similar bill, H.R. 11859.

Besides the backing of the USOC, Congressman Mathias' bill received the endorsement of the National High School Athletic Association, the National Junior College Athletic Association, the National Association of Intercollegiate Athletics and the Amateur Athletic

Union.

> The AAU supports the Mathias amendment for three basic reasons: (1) it provides for compulsory arbitration to settle disputes among athletic organizations; (2) it eliminates the need for intervention or involvement by a government agency by designating an arbiter in the private sector; and (3) it establishes and guarantees a bill of rights for all qualified participants--athletes, coaches, schools, etc.--in amateur sports.[77]

Meanwhile hearings on the "Amateur Athletic Act of 1973" before the Senate Committee on Commerce took place on November 5, 1973 and, as with the hearings before, a number of various representatives testified both for and against the bill.

Permeating the testimony of those witnesses against the bill was the age-old belief that government should take a "hands off" approach in matters felt to be out of its jurisdiction.

> The injection of Federal control over selection of organizations and individuals to organize amateur sports activity is an unwarranted interference with the private sector of American life. The dangers inherent in governmental intervention as described in Title II are limitless. This could mark the beginning of a system of governmental dictates imposed on all aspects of amateur sport.[78]

Besides the intense lobbying effort against S. 2365 was the additional revelation of the views of the Department of Justice on the bill.

> With regard to those portions of the bill of interest to this Department, the Department of Justice is opposed to granting the Amateur Sports Board as an independent agency of the federal government, primary litigation responsibility under Sections 201(h)(3), 203(b), and 204(e). It is the policy of this Department to insist on its right to control the litigation of suits involving agencies of the federal government.[79]

In addition, the Department of Justice advised the committee of possible problems with the bill.

> Whatever domestic restructuring is required by this bill and whatever domestic regulation of amateur athletics may be validly authorized by Congress under the interstate commerce power, both of these internal, national considerations are irrelevant to the fact that such a reorganization does have to be recognized by the International Olympic Committee. A valid concern is whether the creation of the United States' Amateur Sports Board and its chartering of United States Soprts (sic) Associations, that are responsible for the designation and certification of individuals and teams to participate in international competition, effectively for the United States from all Olympic competition through the alteration of the AAU, which is the only internationally affiliated sports organization in track and field today. Similarly, there is not assurance that a chartered sports association would ever be recognized or affiliated with its corresponding International Amateur Athletic Federation.[80]

The hearings on S. 2365 lasted only one day. Following the hearings the bill remained in committee undergoing alterations for the remainder of the session. Opposition to the bill proved too strong for its sponsors to chance a vote on the measure. Further action in this area greatly decreased with the conclusion of hearings on S. 2365.

Various rumors were heard throughout federal circles that the executive branch of the federal government was going to establish a nonpartisan presidential commission to make a sixteen-month study of all amateur sports in America, but nothing ever surfaced.[81]

On November 8 Congressman Mathias introduced H.R. 11376, a duplicate of his previous bill (H.R. 11242). This time, however, Mathias had eighteen cosponsors, and the backing of the USOC and the AAU. Backing or not, Mathias' bill was referred to the Committee on the Judiciary--like its predecessor--from whence it failed to emerge.

As the year 1973 came to a close, various congressmen concerned with the problems of amateur sport in America found themselves again attempting to muster support for passage of numerous pieces of legislation which they felt would cure the evils which existed. As for

S. 2365, attempts were being made to include amendments which would assure passage of what was, at that time, the most all-encompassing amateur sports bill ever to have been placed before Congress.

Summary

Spurred by the Cold War and athletic governing body feuds, attempts to involve the federal government in sport so as to protect the public, the athlete, sport and American interests was increasingly evident during the sixties and seventies. Almost all action during this time span revolved around the re-emergence of a power dispute between the NCAA and the AAU. During the first half of the sixties, federal involvement in the dispute resulted because of fear of Soviet domination in areas of U.S. athletic supremacy. As a result, the Senate in 1965 created, for the first time in the history of the United States, an arbitration board to settle the dispute. While the Senate conferred powers of binding arbitration on the newly created board, it was the board's belief that a settlement could not be forced on the parties and that only if both parties agreed to bind themselves to a board decision could the board succeed. As a result, the non-binding decision by the board in 1968 failed to settle the dispute. At this time a new shift of emphasis occurred which justified federal involvement to protect the rights of the individual athlete to compete and to protect sport, the public and American interests. These new reasons for federal involvement were again stimulated by the continuing squabble of the two sport governing bodies, and continued to be the primary factor for involvement up through 1973, except for periodic instances when American international sport supremacy was felt to be threatened.

This new emphasis, particularly on the rights of the individual, was heightened by American dissatisfaction with the Olympic games in 1972, which centered around what was felt to be inept administration of the American Olympic team. As a result, an increase in legislative proposals were introduced into Congress, culminating in 1973 with the introduction of an all-encompassing amateur athletic bill aimed at reorganizing amateur athletics by creating a federal national body to oversee all amateur athletics, to investigate the United States Olympic Committee, and to create a national amateur sports foundation.

With the introduction of the Amateur Athletic Act of 1973, a noticeable change had taken place in congressional attitude toward federal involvement in sport. No longer was the idea anathema to Congress as several members outwardly began to support federal intervention. In spite of this new attitude, the Amateur Athletic Act of 1973 failed in its bid for passage, due largely to the opposition posed by the NCAA-AAU. Overriding even AAU-NCAA opposition as the main factor for failure, however, was the continued wariness on the part of Congress to involve the federal government in what it considered was outside federal jurisdiction. This age-old philosophy successfully continued to halt all legislative attempts to alter the athletic status quo as sport continued to remain outside the auspices of the federal government. The dispute between the Amateur Athletic Union and the National Collegiate Athletic Association was left unsettled as 1973 drew to a close and its promise of continuance in the future seemed assured by the inaction of Congress and the inability of the amateur governing bodies to settle the dispute between themselves.

CHAPTER X

Footnotes

[1] See Jeffrey Chase, "Politics and Nationalism in Sports: Soviet and American Government Involvement in Amateur Sports as an Aspect of the Cold War" (Master's thesis, San Jose State University, 1973). For a description of the affect of the Cold War on American and Soviet sport.

[2] Congressional Record, Vol. 102, Part 3, 84th Cong., 2d sess., 20 February 1956, p. 2837.

[3] Congressional Record, Vol. 102, Part 6, 84th Cong., 2d sess., 10 May 1956, p. 7912.

[4] Congressional Record, Vol. 103, Part 5, 85th Cong., 1st sess., 18 April 1957, pp. 5962-63.

[5] Congressional Record, Vol. 108, 25 September 1962, p. 19518.

[6] Ibid.

[7] Ibid.

[8] New York Times, 3 December 1962.

[9] Congressional Record, Vol. 109, Part 1, 17 January 1963, p. 496.

[10] Pierre Salinger, statement by White House Press Secretary, Washington Post, 25 December 1962.

[11] Congressional Record, Vol. 109, 17 January 1963, p. 548.

[12] Congressman Mitchel, remarks, Congressional Record, Vol. 111, 89th Cong., 1st sess., 17 June 1965, p. 13968.

[13] Senator Brewster, statement, Congressional Record, Vol. 111, 89th Cong., 1st sess., 25 June 1965, p. 14771.

[14] Dr. Robley Williams, President of Athletic Association of Western Universities, statement, Congressional Record, Vol. 111, 89th Cong., 1st sess. (meeting in Spokane, Washington, June 24, 1965), 28 June 1965, p. 14909.

[15] Congressional Record, Vol. 111, 89th Cong., 1st sess., 30 June 1965, p. 15335.

[16] Congressional Record, Vol. 111, 89th Cong., 1st sess., 15 July 1965, p. 16935.

[17] Senator Brewster, remarks, Congressional Record, Vol. 111, 89th Cong., 1st sess., 5 August 1965, p. 19548.

[18] S. Rept. 753, Calendar No. 738, 89th Cong., 1st sess., 1965, p. 5.

[19] Ibid.

[20] Ibid. Letter inserted in S. Rept. 753, from Clifford H. Buck, President, AAU, to Hon. Warren G. Magnuson, Chairman, U.S. Senate Committee on Commerce, 13 September 1965, p. 7.

[21] Ibid., p. 9.

[22] U.S., Congress, S. Res. 147, 89th Cong., 1st sess., 15 September 1965.

[23] Congressional Record, Vol. 113, 90th Cong., 1st sess., 3 April 1967, p. 8013.

[24] House Bills 13567, 14052, 14072, 14102, 14528.

[25] Washington Post, 9 May 1967.

[26] U.S., Congress, Hearings on "Current Status of the Controversy between Amateur Athletic Union, National Collegiate Athletic Association, and other amateur athletic associations and their affiliates," before the Committee on Commerce, U.S. Senate, 90th Cong., 1st sess., Serial No. 90-27, August 17 and 18, 1967, p. 14.

[27] Ibid.

[28] Ibid., pp. 64-65.

[29] U.S., Congress, Bill S. 2836, 90th Cong., 2d sess., 18 January 1968.

[30] One aspect concerning the individual rights of athletes concerned South Africa's policy of racism as it pertained to sport. In 1970 the House Subcommittee on Africa of the Committee on Foreign Affairs met to deal with foreign policy implications of racial exclusion in granting visas [U.S. Congress, Hearing before the Subcommittee on Africa of the Committee on Foreign Affairs, House of Representatives, "Foreign Policy Implications of Racial Exclusion in Granting Visas," 91st Cong., 2d sess., 1970]. During the course of its hearings the committee discussed South Africa, and in particular its policy in the sports arena and its implications for United States foreign policy. Called to testify was tennis star Arthur Ashe, who was denied a visa to South Africa in January of 1970 to participate in the 1970 South African National Tennis Championships. The hearings proved to be more of an inquiry into the entire aspect of racism with sport as a mere sidelight, and no further action regarding sport was considered.

[31] "Before the Sports Arbitration Board," final report. Opinion and decision of the Board of Arbitration on Track and Field, pursuant to S. Res. 147, 1968, p. 10.

[32] U.S., Congress, Hearings before the Committee on Commerce, U.S. Senate, "Opinion and Decision of the Board of Arbitration on Track and Field," Serial No. 90-46, 90th Cong., 2d sess., 1 February 1968, p. 3.

[33] Washington Post, 27 September 1972.

[34] National Collegiate Athletic Association, news release, 26 October 1972.

[35] NCAA News, 1 November 1972, p. 1.

[36] NCAA News, 1 March 1973.

[37] House Bills 5726, 5727, 5978, 5979, 7918, 7919.

[38] Congressional Record, Vol. 119, 93d Cong., 1st sess., 13 March 1973, p. S4457.

[39] U.S., Congress, Hearings before the Special Subcommittee on Education and Labor, House of Representatives, on H.R. 5623 and H.R. 5624, 93d Cong., 1st sess., 1973, p. 336.

[40] Ibid. Letter from U.S. Senate Committee on the Judiciary to Mr. Walter Byers, Executive Director, NCAA, Kansas City, Missouri, 29 March 1973.

[41] Ibid., p. 338.

[42] Ibid., p. 339.

[43] Congressional Record, Vol. 119, 93d Cong., 1st sess., 16 April 1973, p. S7442.

[44] Congressional Record, Vol. 119, 93d Cong., 1st sess., 17 May 1973, p. S9298.

[45] U.S., Congress, Hearings before the Committee on Commerce, U.S. Senate, "Amateur Sports," S. 1018, S. 1192, S. 1580 and S. 1690, 93d Cong., 1st sess., 1973, p. 261.

[46] Senator John Tunney, press release, 27 June 1973.

[47] U.S., Congress, Report of the Senate Committee on Commerce on S. 2365, "To Encourage and Coordinate Amateur Athletic Competition and Physical Fitness in the United States," Report No. 93-380, 93d Cong., 1st sess., p. 2.

[48] Ibid., p. 3.

[49] Ibid.

[50] Ibid., p. 4.

[51] Ibid.

[52] Ibid., p. 7.

[53] Senator John Tunney, press release, 27 June 1973.

[54] United States Olympic Committee Newsletter, Vol. 8, No. 3 (August 1973), p. 1.

[55] Ibid.

[56] Ibid.

[57] Shirley Povich, "AAU Lets Diplomats Know Who Really Runs Things," Washington Post, 15 July 1973.

[58] "President's Message," Amateur Athletic Union News, Vol. 44, No. 8 (August 1973), p. 2.

[59] Editor's View, National Collegiate Athletic Association News, Vol. 110, No. 9 (July 1973), p. 2.

[60] Senators John V. Tunney, James B. Pearson, Marlow W. Cook, Mike Gravel and Strom Thurmond, Joint Statement, 16 July 1973.

[61] Congressional Record, Vol. 119, 93d Cong., 1st sess., 1 August 1973, p. E5319.

[62] Jerry Miles, "System Puts U.S. Athletes Coaches Last," San Diego Union, 1 August 1973.

[63] Congressional Record, Vol. 119, 93d Cong., 1st sess., 3 August 1973.

[64] Ibid.

[65] Ibid.

[66] Ibid.

[67] Letter inserted by John W. Winkin, President, National Association of Collegiate Directors of Athletes, NCAA News, Vol. 10, No. 11 (September 1973), p. 2.

[68] Letter from William N. Wallace to Mr. Dick Rust, c/o Senator Daniel Inouye, Senate Office Building, Washington, D.C., September 13, 1973.

[69] Congressional Record, Vol. 119, 93d Cong., 1st sess., 3 October 1973, p. S18575.

[70] Ibid., p. S18573.

[71] Ibid., Senator Dole, p. S18577.

[72] Ibid., p. S18578.

[73] Ibid.

[74] Alan J. Chapman, NCAA President, NCAA News, Vol. 10, No. 12 (October 1973), p. 1.

[75] Ibid., p. 2.

[76] Congressman Bob Mathias, statement to members of the press, 1 November 1973, p. 2.

[77] Amateur Athletic Union News, Vol. 44, No. 11 (November 1973), p. 6.

[78] U.S., Congress, Hearings before the Committee on Commerce, U.S. Senate; Ollan C. Cassell, Executive Director of AAU, statement, "Amateur Athletic Act of 1973," Serial No. 93-53, 93d Cong., 1st sess., on S. 2365, 5 November 1973, p. 115.

[79] Ibid. Department of Justice, letter to Hon. Warren G. Magnuson, Chairman, Committee on Commerce, U.S. Senate, inserted into hearings (Washington, D.C., November 2, 1973), p. 39.

[80] Ibid., p. 41.

[81] Ibid., U.S. Congress, hearings, p. 109.

CHAPTER XI

FEDERAL INVOLVEMENT TO PROMOTE SPORT FOR SPORT ITSELF

1950-1973

Another area of federal involvement during the time span 1950-1973 pertained to the federal government promoting sport, seemingly for no other motive than in the interest of sport. Reflecting its own actions in other subject areas of American society, attempts were made by the federal government to give direct assistance, tax reductions, publicity and recognition to sport. In the main, these efforts were centered in Congress where various pieces of legislation were introduced. In most cases, passage occurred when the proposed legislation entailed no direct federal funding, a consideration seen to influence previous sport legislation.

Financial Assistance

Direct requests for federal government grants in aid of specific sports or sport organizations began in 1961,[1] when Congressman Conte made attempts to obtain $100,000 from the State Department in order to finance an international parachute contest in Massachusetts.[2] Having been turned down, Congressman Conte then approached the Department of Defense to obtain supplies for the contest, but was told that congressional approval was necessary before such aid could be obtained.[3] As a result, Conte introduced H.J. Res. 478 which called for the establishment of a temporary loan guarantee program for the parachute championship under the direction of the Secretary of State. Citing the fact that in September, 1960, Congress had passed and President Eisenhower had signed Public Law 796, inviting certain foreign countries to send representatives to the United States to participate in the international parachute jumping contest, Congressman Conte unsuccessfully attempted to motivate Congress--possibly through a sense of commitment in that they had invited the foreign representatives--to act on the resolution. Congress refused to act on the issue. In part, this might have been due to the fact that the 1961 law had made no mention of funding and, to a greater extent, it reflected the ongoing reticence on the part of the federal government to commit public funds to such organizations due to the problem of precedence.

In 1963 a similar piece of legislation (H.R. 1213), aimed at aiding the games of the modern pentathlon which had been held in 1959, was introduced.

> . . . That, in recognition of the outstanding success of the 1959 Games of the Modern Pentathlon in promoting international good will toward the United States of America, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the World Games, Incorporated, a Pennsylvania Corporation, the sum of $41,567, to enable the corporation to discharge the obligations incurred by the corporation in connection with the 1959 Games of the Modern Pantathlon held in Hershey, Pennsylvania, September 26-30, 1959.[4]

After passage in the House, the resolution was given to the Senate where it remained in committee.

In 1967, an optimistic Congressman Eilberg introduced H.R. 13062, which would have provided matching grants for the construction of athletic facilities geared for Olympic sports throughout the

United States. Although the bill had potentially far-reaching consequences, it too failed in its bid for House affirmation and died in committee.

Other pieces of legislation, aimed at providing financial support to sport and physical education, were also framed during this period. Like so many other bills that would have produced a higher and more direct level of involvement on the part of the federal government, they failed for lack of support. Among these were House bills H.R. 99 (in 1971) and H.R. 1410 (in 1973), which were designed to amend the Elementary and Secondary Education Act of 1965 to provide federal assistance for interscholastic athletic programs in secondary schools associated with community improvement programs, and H.R. 692 (in 1973), which would have allowed each state and community to use highway trust fund monies to develop bicycle lanes or paths. In all these cases involving direct funding for sport, congressional support was slim and generally resulted in inaction on the part of Congress.

Tax or Duty Exemption

While attempts at direct federal monetary allocation for sport were few, an indirect method, that of obtaining some reduction in duties or taxation, was quite in evidence. Numerous attempts were made throughout this period to exempt the duty on racing shells to be used in connection with the preparation for various Olympic games,[5] race horses,[6] ski bindings[7] and ice skating facility equipment.[8] Of the nine legislative attempts in this area, two bills (exempting duty on racing shells) were passed by Congress--one in 1952 (Pub. Law 349) and the other in 1956 (Pub. Law 510).

Likewise, attempts were made in the area of tax exemptions for sporting organizations. This included attempts to provide for admissions tax exemption for athletic games held for the benefit of non-profit hospitals,[9] federal deductions for contributions to an indoor sports and outdoor athletic recreation foundation,[10] and athletic events held for the benefit of the United States Olympic Association.[11] Only the latter attempt resulted in passage of legislation (Pub. Law 354), possibly due to the fact that the bill would allow the U.S. Olympic Association to raise funds to send American athletes to the Olympic and Pan-American games, plus the fact that the bill called for no direct funding. While attempts to allow tax or duty exemptions were on the rise during this period, passage of legislation in this area did not increase in any considerable fashion, nor does it seem that any pattern emerged in this area of federal involvement.

Sponsored Publicity

The second method by which members of the federal government attempted to promote sport was through publicity, usually by federal endorsement or recognition of an athletic group, activity, or individual. Of particular emphasis in this area was the extension of congressional invitations, at the instigation of various hopeful American cities, to the International Olympic Committee to hold the Olympic games in that particular American city. Although this type of promotion had been done prior to 1950, the practice greatly increased from 1950 to 1973.

In 1955 S.J. Res. 14 was introduced in both chambers of Congress.

> Resolved, etc., that whereas the United States Olympic Association will invite the International Olympic Committee to hold the Olympic Games in the United States at Detroit, Michigan, in 1960, the Government of the United States joins in the invitation of the United States Olympic Association to the International Olympic Committee to hold the 1960 Olympic games in the United States at Detroit, Michigan; and expresses the sincere hope that the United States will be selected as the site for this great enterprise in international good will.[12]

No funding was specified but one of the backers of the bill let it be known where his thoughts were on the matter:

> In view of the international aspect of the Olympic games and the fact that benefits would accrue to the entire country, I most seriously suggest that the Congress consider sharing the financial costs involved with the city of Detroit, should the games be awarded to this country. No other country places the entire financial burden on the host city.[13]

On February 15, 1955, S.J. Res. 14 was passed into law (Pub. Law 6), but all was for naught as the 1960 games were awarded to Rome.

At the same time a parallel invitation, S.J. Res. 51 was being introduced into Congress to hold the 1960 Winter Olympics in Squaw Valley, California. In its report on the resolution, the Senate Committee on Foreign Relations spelled out the primary reason for its endorsement of the resolution.

> The Committee on May 5 voted to report the Joint Resolution favorably to the Senate in the belief that the official sanction of the Government will lend weight and emphasis to the invitation to be extended by the United States' Olympic Association. The resolution demonstrates United States' hospitality toward a great enterprise which has in the past proven to foster international good will and feelings.[14]

Interestingly, both the Senate report on the bill (S. Rept. 275) and the House report (H. Rept. 595), unlike the Detroit invitation, made it explicit that no expense to the federal government was to be connected with the invitation. On June 13, 1955, S.J. Res. 51 was signed into law (Pub. Law 59), the invitation was extended, and this time the

United States' bid was accepted by the International Olympic Committee and the Winter Games were held in Squaw Valley. No financial commitment of any type was made by the federal government at the time of the issuance of the invitation, but congressional proponents began to argue that the invitation in itself was a guarantee by the United States government that it would financially support the Winter Games. The ploy succeeded and Congress voted to spend over four million dollars on the 1960 Winter Games. This matter, however, will not be discussed at this time, but is reserved for Chapter 13 due to its foreign policy implications.

Invitational resolutions of a similar nature continued to be introduced in Congress. In 1959 S.J. Res. 73, which extended another invitation to hold the 1964 Olympic games in Detroit, was approved and signed by President Eisenhower in April of that year. This invitation failed when Tokyo was chosen host of the 1964 Games.

In 1963 a flurry of Olympic invitation resolutions were introduced in both houses of Congress. During this period the United States Olympic Committee submitted bids to the International Olympic Committee for the privilege of hosting both the 1968 Winter and Summer Olympics. Three joint resolutions,[15] extending an invitation for the Winter Games at Lake Placid, New York, and three resolutions,[16] extending an invitation for the Summer Games in Detroit, were introduced. Two invitations passed Congress and were signed into law--S.J. Res. 67 becoming Pub. Law 95, and S.J. Res. 72, Pub. Law. 124. Neither of the joint resolutions called for any federal financial assistance although Congressman Gross, wary of what had been done with the Squaw Valley invitation, made emphatically clear his feelings on the matter:

> . . . I want the record clearly to show I approve this invitation for the holding of the 1968 Olympic games in Michigan on the basis that this will not be accompanied with a request for money from the Federal Government to hold these Olympics. I am not opposed to the invitation being extended, but I am opposed to the expenditure of money from the Federal Treasury for this purpose.[17]

A similar resolution in 1966, extending an invitation for the holding of the 1972 Winter Olympics in Salt Lake City, Utah, met with the same type of response from Congressman Gross.

> As a member of the subcommittee which brings this joint resolution to the House floor, I am pleased that we got some assurances from the gentlemen from Utah and the sponsors who were before the subcommittee that this resolution is not going to cost the Federal Government any part of the money that was spent on the winter games at Squaw Valley a few years ago out in California.[18]

Although two resolutions were introduced on this measure in the House (H.J. Res. 805 and H.J. Res. 813), the Senate's version, S. Conc. Res. 71 was adopted in both houses of Congress in 1966. In the end such action was fruitless as the final site selected for the 1972 Winter Olympics was Sapporo, Japan. In the same year S.J. Res. 131 was introduced favoring the holding of the 1972 Olympic games in Detroit, but it failed to receive any congressional action.

Three years later, in 1969, the United States was again pressing for acceptance by the International Olympic Committee to host the 1976 Games, either the Winter Games in Denver or the Summer Games in Los Angeles.

Hoping to aid the United States Olympic Committee in its bid, two resolutions (S.J. 131 and H.J. 815) were introduced to authorize and request the President of the United States to issue a proclamation inviting and welcoming all authorized Olympic delegations to the 1976 Olympic games.

S.J. Res. 131 passed both houses of Congress in 1970 and on February 4, President Nixon signed it as Public Law 191.

> NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby extend the warm welcome of the United States to take part in the 1976 Olympic Games if they are to be held in the cities of Los Angeles and Denver; and further, I hereby pledge that the United States will take every appropriate measure to insure the entry and full participation of all authorized delegations.[19]

Whether or not the proclamation by President Nixon helped, Denver was awarded the 1976 Winter Olympic Games, and in 1972 both the House and Senate passed resolutions, S. Res. 246 and H. Res. 787, which reaffirmed their support for the continued designation of Denver as the host city for the 1976 Winter Olympics, brought about by indications that Denver might withdraw its sponsorship of the Games because of negative public reaction with the state of Colorado toward the Games.

Invitations by the federal government to hold sporting events in the United States were not restricted solely to the Olympic games. Other legislative attempts were made in 1957 for foreign countries to participate in the International Boxing Tournament in Seattle of that year (S.J. Res 71); in 1959 to the International Shooting Union to hold the 1962 World Shooting Championships in the United States (H.J. Res. 486); in 1960 to various foreign countries to send representatives for the United States-sponsored 1962 International Parachute Jumping Contest (S.J. Res. 200, H.J. Res. 716 and 723), and to the International Ski Federation World Council in 1967 so that Jackson Hole, Wyoming, would be designated as the site for the 1970 International Ski Federation World Ski Championships (S. Conc. Res. 21). Only the invitation to the International Parachute Jumping Contest (H.J. Res. 723) passed both houses of Congress, becoming Pub. Law 796 in 1960. Therefore, it seems that funding was not the sole criterion used to determine passage of legislation but other factors entered in as well. Just why these seemingly harmless invitations were not considered is not known, but possibly affecting their passage was the element of time or, more specifically, the lack of time during the Congress to act on the measure and also the non-pressing nature of the legislation. Finally, the lack of time and the seemingly secondary importance of such legislation might also have been the reason Congress managed to pass only six of seventy-three pieces of legislation recognizing various aspects of sport during this period. This included passage of three of seventeen attempts to recognize various sports or events by designating a certain week in their honor,[20] three of eighteen resolutions designating a specific day in honor of a particular sport or sport program,[21] and thirty-seven unsuccessful attempts to recognize various aspects of sport and to issue commemorative sporting postage stamps.[22]

Summary

Federal promotion of sport during the period of 1950 to 1973 focused upon several aspects, all congressionally related. While no direct federal financial assistance was forthcoming, indirect financial assistance was in evidence as exemption from taxation on athletic events held for the Benefit of the United States Olympic Association was granted in 1959, in addition to a reduction of import duties on racing shells needed for various Olympic games. Also indirectly affecting federal financial aid during the period was the extension of an invitation to the International Olympic Association to hold the 1960 Winter Olympic games in Squaw Valley, California. This was later seized on by the proponents of federal financial aid for the Squaw Valley Games as authorization for federal aid.

Federal publicity of sport also aided the promotion of sport during these years as legislation was introduced and in some cases passed, extending invitations to hold the Olympic games in various cities in the United States. In addition, various bills were introduced designating days or weeks to commemorate sport. Finally Congress attempted to pass legislation which would issue commemorative stamps on sport.

All in all, with the exception of the invitation to the International Olympic Committee to hold the 1960 Winter Olympics in Squaw Valley, the impact of the federal government on this aspect of sport in the United States was minimal when compared to other areas which the federal government chose to involve itself.

While it has been evident throughout this study that factors of finance, precedence and the concept of States Rights have largely determined the failure of sport-related legislation, these aspects seemingly played a minor role with regard to federal promotion of sport for sport itself. Rather, the restrictions of time and the fact that the legislative issues were of secondary importance in Congress seem to be the overriding factors greatly influencing legislative inaction in federal promotion of sport for sport iself during the period 1950-1973.

CHAPTER XI

Footnotes

[1] Direct federal assistance was given for the staging of the 1959 Pan-American and 1960 Winter Olympic games, but these pertained to promotion for American interests and foreign policy objectives (see Chapter XIII).

[2] Congressional Record, Vol. 108, 87th Cong., 2d sess., p. 14346.

[3] Ibid.

[4] U.S., Congress, House Bill H.R. 1213, 88th Cong., 1st sess., 1963.

[5] 1951 (H.R. 4902); 1956 (H.R. 8334); 1963 (H.R. 8938); 1966 (S. 2967); 1968 (S. 2855).

[6] 1968 (H.R. 15003); 1969 (H.R. 4239).

[7] 1970 (S. 3991).

[8] 1972 (H.R. 14825).

[9] 1963 (H.R. 8854).

[10] 1973 (H.R. 7764 and H.R. 17192).

[11] 1955 (H.R. 7095).

[12] S.J. Res. 14, 84th Cong., 1st sess., 1955.

[13] Congresswoman Griffiths, Congressional Record, Vol. 101, Part 2, 84th Cong., 1st sess., 1955, p. 1432.

[14] S. Rept. 275, 84th Cong., 1st sess., 1955.

[15] S.J. Res. 67, H.J. Res. 324, H.J. 337.

[16] S.J. Res. 72, H.J. Res. 271, H.J. Res. 490.

[17] Congressional Record, Vol. 109, Part 12, 88th Cong., 1st sess., p. 16565.

[18] Congressional Record, Vol. 112, 89th Cong., 2d sess., 1966, p. 7511.

[19] Office of the White House Press Secretary, "Proclamation by the President of the United States," 4 February 1970.

[20] Legislative attempts were made to recognize the Olympics in 1952 (H.J. Res. 445), 1958 and 1959 (H.J. Res. 586; Pub. Law 351), Little League in 1958 (S. Cong. Res. 327 and 328), and 1959 (H. Cong. Res. 17), American Legion baseball in 1965 (S.J. Res. 66 and S.J. Res. 100; Pub. Law 133), skiing in 1964 (H.J. Res. 882), 1965 (H.J. Res. 767), and 1966 (H.J. Res. 767; Pub. Law 351), Women's International Bowling in 1965 (S.J. Res. 104), and 1967 (S.J. Res. 47), Biddy Basketball in 1966 (H. Cong. Res. 618), archery in 1969 and football and basketball coaches in 1971 (H. Cong. Res. 489) and 1972 (S.J. Res. 198 and S.J. Res. 213; H.J. Res. 1075). H. Conc. Res. 17 of 1959 did pass Congress, but it merely requested the President to designate the week beginning the second Monday in June of each year as "National Little League Baseball Week." Since its adoption, not all Presidents have chosen to carry out the directive embodied in H. Cong. Res. 17.

[21] Recognition for national days was attempted for baseball in 1950 (H.J. Res. 468 and H.J. Res. 295) and 1953 (H.J. Res. 295); Little League in 1972 (H.J. Res. 373), golf in 1952 (S. Res. 321) and 1953 (S. Res. 107); the Olympics in 1954 (S.J. Res. 146), 1955 (H.J. Res. 359; Pub. Law 216), and 1957 (Pub. Law 216, H.J. Res. 354), indoor sports in 1965 (H.J. Res. 406), children's day in sports in 1965 (H. Res. 5077), the Sokols in 1972 (H.J. Res. 1263), hunting and fishing in 1972 (S.J. Res. 117; H.J. Res. 1103 and H.J. Res. 1147) and 1973 (S.J. Res. 213). A National Coaches Day was proclaimed by President Nixon for October 6, 1972. (Proclamation by the President, February 4, 1970.)

[22] Attempts were made to recognize the Baseball Hall of Fame in 1957 (S. Cong. Res. 37, H. Cong. Res. 213), 1958 (S. Cong. Res. 37), 1959 (H. Cong. Res. 340), 1961 (H. Cong. Res. 189), 1963 (H. Cong. Res. 27) and 1969 (S. Cong. Res. 35 and 300), but none received final passage. Similar attempts to recognize in some fashion the Carling World Golf Championship in 1964 (H.R. 808), the Golf Hall of Fame in 1965 (H. Res. 497), the oldest golf course in the United States in 1971 (H. Cong. Res. 90), and 1973 (H. Cong. Res. 42), and baseball player Hank Aaron in 1973 (H. Cong. Res. 266 and H. Res. 496) likewise met with no action. Also, an attempt in 1972 to strike medals in commemoration of Jim Thorpe (S. 1076) was not passed. Recognition of sport by the issuance of postage stamps consisted of eleven bills in 1959 (House Resolutions 2853, 2854, 2860, 2861, 2870, 2930, 2984, 3008, 3011, 3025 and 3199) to recognize the 1960 Olympic games, obviously to gain support in part for the Winter Games to be held in Squaw Valley. In 1967 Congressman Green introduced a bill (H. Res. 633) to authorize the Post Office Department to issue a semi-postal stamp to assist in financing the American participation in the Olympic games. Five cents of the ten cent price of the stamp was to be turned over to the United States Olympic Committee.

Similarly, attempts were made in 1968 (H. Resolutions 17139, 17220, 17341 and 17495) and in 1969 (H. Resolutions 65, 206, 672, 5267 and 6235) to issue a special stamp honoring baseball's hundredth year anniversary. Additional efforts for commemorative stamps were made for college football in 1968 (H. Res. 16403) and 1969 (H.R. 1170).

CHAPTER XII

FEDERAL INVOLVEMENT TO PROMOTE THE WELFARE OF THE CITIZEN

1950-1973

When compared to the previous period under study in which over thirty congressional bills were introduced into Congress to promote, in some manner, school physical education programs, the period of 1950 to 1973 was practically devoid of such legislation. An emphasis was made on physical fitness in the schools during the fifties and sixties, but for the most part it was not reflected in legislative action. One branch of government which did pay attention to the school programs was the executive branch of the government which was best exemplified by the creation of the President's Council on Youth Fitness, established by executive order in 1956.[1]

Physical Education Legislation

Congressional interest in promotion of physical education during the period concerned itself, in the main, with three types of physical education legislation. The first appeared in 1958 and resulted from the publicity given physical fitness tests done in 1953 which compared American boys and girls with their European counterparts. The results of the so-called "Kraus-Weber" test showed American youngsters to be much inferior to their European neighbors in certain exercises.[2] This report laid the foundation for the creation of the

President's Council on Youth Fitness and resulted in 1958 in a series of congressional bills aimed at assisting states and territories in extending and improving health and safety education, physical education and recreation instruction in schools.[3] Known as the "School Health and Safety Education, Physical Education, and Recreation Instruction Act of 1958," they called for an annual fifteen million dollar payment to the states for four years, beginning in 1960. With the exception of the appropriation, administration and supervision of the funding, all the bills called for the federal government to remain completely out of the program.

> The provisions of this Act shall not be so construed as to interfere with the State or local initiative or responsibility in the conduct of public education. The administration of public schools, the selection of personnel and equipment and materials, and, insofar as consistent with the purpose, once subject to the provisions of this Act, the determination of the best use of the funds provided under this Act shall be reserved to the States under their local subdivisions.[4]

Congressional action on these bills ended once they were referred to their committees, and legislation in promoting physical education remained dormant for eight more years. The possible exception to this was discussion of physical education programs in the schools both by the executive branch of the government and by Congress.[5]

In Congress Senator Hubert Humphrey, in 1962, unveiled a five-point comprehensive and coordinated fitness program for the nation which, among other things, called for assistance to the states to foster excellence in physical education by including physical education within the National Defense Education Law.[6] Humphrey's plan also called for the President's Council on Youth Fitness to be placed on a permanent basis, the voluntary establishment of a national goal and plan for American participation in international competition, a coordinated research program in youth and adult fitness, and, lastly:

> We shall plan fitness opportunities for all Americans. This means in our cities, our suburbs, and our great outdoors. Fitness should be facilitated, not made difficult. We should carry out ambitious, but necessary, plans for more adequate playground, park, outdoor, and seashore facilities.[7]

In 1966 Congress attempted to legislate one of Humphrey's five points by the introduction of seven bills,[8] designed to

> . . . amend the National Defense Education Act of 1958 to permit Federal grants for equipment for the teaching of and for institutes for teachers of physical education, health and recreation.[9]

The following year Congressman Brasco introduced another bill, H.R. 7595, which called for exactly the same provisions as those introduced the year before.

> The legislation I am sponsoring has two features. The first would amend Title III of the National Defense Education Act to provide financial encouragement for classroom instruction in health, physical education, and recreation. No federal money would be spent for athletic equipment. The second provision would amend Title XI. This section would be revised so that regular session or short-term instruction would be available to those now teaching or planning to teach school health, physical education and recreation.[10]

With little public pressure or congressional interest, none of these bills emerged from their committees.

Interest in Congress was high, however, in one area of physical education, and that pertained to the training of physical educators for the mentally retarded and the handicapped. In 1966 Senate bill S. 3008 was introduced,

> To amend the Public Health Service Act to promote and assist in the extension and improvement of comprehensive health planning

> and public health services, to provide for a more effective use of available funds for such planning and services and for other purposes.[11]

Ambiguous as this appeared, Section 501(a) of the bill specifically related to physical education.

> The Secretary is authorized to make grants to public and other non-profit institutions of higher learning to assist them in providing professional or advanced training for personnel engaged or preparing to engage in employment as physical educators or recreation personnel for mentally retarded and other handicapped children or as supervisors of such personnel, or engaged or proposing to engage in research or teaching in fields related to the physical education or recreation of such children.[12]

Senate bill S. 3008 was passed into Pub. Law 749 in the same year of its introduction, and was the only successful congressional action during this period promoting physical education programs in the schools.

President's Council on Youth Fitness

Undoubtedly the greatest promotion of sport for the welfare of the citizen during this time span came from the President's Council on Youth Fitness created by Executive Order 10673 on July 16, 1956, by President Eisenhower. Possibly to quiet those skeptics of federal involvement in such a private matter, Eisenhower justified federal presence within the executive order itself.

> WHEREAS recent studies, both private and public, have revealed disturbing deficiencies in the fitness of American youth; and . . . WHEREAS such fitness is the responsibility of the government at all levels, as well as the responsibility of the family, the school, the community and other groups and organizations. . . .[13]

Basically, the role of the organization was to be that of a catalyst and it was to devote a major share of its effort to sounding the alarm to the public on the poor fitness of American youth.

> Personal appearances, publicity, discussion and conferences were employed to alert the public to the youth fitness program,

and to stimulate action by existing organizations in education, health, recreation and sports.[14]

Members of the council consisted of the Vice President (its chairman), the Attorney General, and the Secretaries of Interior, Agriculture, Labor, and Health, Education and Welfare.[15] In addition, an advisory committee was created, with members selected by the President, to aid the President's Council. By 1958 the program had taken on a definite direction.

> During the first year of operation the major tasks of the Council were to alert the Nation and to interpret the story of youth fitness in such dimensions that all groups--government, medical, educational, civic, labor, fraternal, religious, and others--were encouraged to recognize clearly the need for added emphasis on fitness. . . . Although making the Nation aware of fitness will continue to be a prime objective of the President's Council, we move now into the time for expanding action by communities, organizations, and individuals. . . . Our main goal for Council operation is to urge organizations and individuals to appraise and take further action to improve fitness of youth, with emphasis on physical activity.[16]

As a federal organization, the emphasis was always on ways to aid the local community in its own program and not to act as an outside directive agency.

This was reiterated at the second annual meeting of the President's Council on Youth Fitness and the President's Citizens Advisory Committee. The advisory committee supported the path taken by the council and emphasized: "There shall be no federal control over local, state, or national programs of youth fitness."[17] The low profile of the council continued on to the end of the Eisenhower administration, content with the role of stimulator. With the beginning of the Kennedy administration, the low profile changed and the council assumed a more energetic pace, spurred on by a President who outwardly endorsed fitness by example, speech and the written word.[18]

Under Kennedy the President's Council on Youth Fitness founded an ambitious publications and film program, developed tests and program standards for fitness, and initiated a series of physical fitness clinics for classroom teachers, specialists, administrators and recreation personnel.[19] Later, in 1963, Kennedy abolished the President's Council on Youth Fitness and established the President's Council on Physical Fitness,[20] which allowed the council to extend its activities into the areas of adult fitness, community recreation and related fields while emphasizing the fact that its major concern was physical activity.[21]

Although changes were made in the council during the Kennedy years, the basic premise of local control over the programs remained, as is evidenced in an introduction to a pamphlet circulated to schools throughout the United States which suggested fitness types of programs for schools: "The President's Council on Youth Fitness is fully aware that education is a State and local responsibility. The materials presented herein are merely suggested. They should not be considered as directives."[22] In describing Kennedy's effect on the council and on physical fitness in sports in general, Zingale states:

> John F. Kennedy made the council productive in, and of, itself. He took care, however, to avoid inappropriate federal control. But, at the same time, he did not tie the hands of this fitness council. . . . No other domestic or foreign affairs problem, either social or economic, borrowed from the President's devotion to a national fitness campaign. . . . It was this personal campaign for fitness which set President Kennedy aside as the most influential of the twentieth century United States presidents.[23]

During the Johnson administration, between 1963 and 1968, the President's Council took on many new programs and branched out considerably from the original public relations concept of Eisenhower's administration and became more actively involved in suggesting and promoting physical fitness programs and practices. Regional fitness clinics were established in 1963 and two years later the President's Physical Fitness Council Award Program was inaugurated. In 1967 President Johnson directed that the council be brought under the administrative control of the Department of Health, Education and Welfare. The council's role was then broadened to develop cooperative programs with medical, dental, and other professional societies to stimulate and encourage research by a variety of agencies, to relate the fitness program to other federal youth and health programs, and to provide expert consultative assistance to school systems, state education departments, and other institutions interested in improving fitness and health programs.[24]

On March 4, 1968 President Johnson, by Executive Order 11398, abolished the President's Council on Physical Fitness and established the President's Council on Physical Fitness and Sports, with the major purpose of the council being to design policies to encourage sports participation programs for all Americans.[25] Thus the program had increased its focus from one age group in American society to all age groups, young and old.

Under President Nixon, the President's Council on Physical Fitness and Sports was reorganized. Acting upon a study and recommendation made by the Vice President in 1970, President Nixon issued Executive Order 11562 which called for the development and coordination of a national program for physical fitness and sports. As such, the council's purpose was to recommend programs to the President and the Secretary of Health, Education and Welfare which would encourage nation-wide participation in physical fitness and sports. Membership on the council was changed from cabinet and federal officials to fifteen nationally recognized fitness and sports figures.[26] As a result, the council expanded beyond its school programs of promotion, demonstration and publication and began to concentrate in three areas: public information, program development and technical assistance, and special programs both in and outside the schools.

Advertising campaigns were waged through the mass media, both on television and in print, and by 1973 it was estimated that over $25 million of free advertising in time and space was given to the advertisement of PSPFS materials.[27] Arrangements were made with private business concerns such as Montgomery Wards for use of the council's name in advertisements. Magazines, films and posters were likewise distributed throughout the country.

In the area of program development and technical assistance:

> The Council, as a catalyst, works through and with governmental agencies, major employers in the private sector, and existing organizations in education, health, recreation and sports to strengthen physical fitness and sports programs. Such work may include consultative services, the design, development and implementation of programs.[28]

As a result, various clinics and medical symposiums were held by the council in the ensuing years. It acted as a liaison with various institutions and individuals engaged in research within the broad field of physical fitness.

Finally, the area of Special Programs continued to play an important role in the council's work. Programs were carried on in conjunction with the National Varsity Club, business and industry and the military services. National fitness surveys and demonstration centers were implemented and a project known as PEP (Physical Exercise Pays) was started in conjunction with the Travelers Insurance Company. By the close of 1973, the President's Council on Physical Fitness and Sports had branched out into many sectors and levels of American society. The new methods of obtaining the backing of the business sector added greatly to the congressional yearly allotment of $526,000, a figure which remained constant throughout the seventies.

Physical Fitness Legislation

In addition to legislation promoting physical education and the creation of the President's Council on Youth Fitness, federal promotion for the public's welfare also appeared in congressional bills to promote physical fitness. In 1955 Congressman Stoggers introduced H. Conc. Res. 19, expressing the sense of the Congress that a civilian physical fitness and training program should be established in the interest of national security. This was followed in 1957 with H.R. 7875 by Congressman Huddleston to boost fitness and thwart delinquency.

> My bill, H.R. 7875, would establish the CIVIL HEALTH THROUGH ATHLETIC AND MENTAL PROFICIENCY SOCIETY, the initial letters of which spell CHAMPS. This legislation would reward youngsters who are champs in their fields, either culturally or physically.[29]

The program would have provided for a series of local, district, state and national awards upon the attainment of certain standards of performance. A national headquarters was to be established, its duty being to promote and publicize the program and to encourage state and local youth organizations to affiliate. Such a program failed to gain the support of the public or the members of Congress and the bill failed at the committee level.

Besides these unsuccessful attempts at legislation, various bills designating a certain National Fitness day or week were introduced. Both President Eisenhower (1958) and President Kennedy (1961) authorized a National Youth Fitness Week during their administrations. Later attempts were not as successful. An effort to establish September 18 of each year as National Jogging Day (H.J. Res. 868) in 1971 met with no success. A Senate Joint Resolution by Senator Proximire in 1973, designating the last Sunday in May of each year as "Walk a Mile for Your Health Day," met with a similar fate.

Throughout this period physical education and physical fitness legislation proved to be minimal when compared with other periods covered in this study, particularly the period 1920 to 1949. Interestingly, the elements felt to cause previous federal involvement in the area of physical fitness and physical education, specifically war and the desire for national preparedness, were present during this time span. However, what was not present in the previous time periods and which possibly retarded public and congressional clamor for legislation was the presence of a permanent national fitness organization. This organization arose because of concern for national preparedness brought on by the Cold War, elements which continued to play important roles in the rise and fall of public and congressional interest in the area of fitness and physical education.

Sport and Social Service

In addition to physical education and physical fitness involvement, the federal government became involved in sport-related areas promoting the welfare of the citizen, particularly in the social service sector. Within three federal departments sport programs were initiated during this period. In 1967 the Office of Economic Opportunity Job Corps Program created a voluntary National Job Corps Sports Advisory Council to form a national sports competition within the corps.[30] Likewise, in the Office of Education Bureau of Research, a sport program was implemented in the Watts area of Los Angeles in 1968, known as Direction Sports, which was a type of Little League for underprivileged boys.[31]

By far the greatest example of the federal government involving sport in social service-related programs occurred during the first year of Richard Nixon's presidency when the President's Council on Physical Fitness and Sports took on an added program to aid youth in urban areas during the summer. With the cooperation of the National Collegiate Athletic Association, the President's Council on Physical Fitness and Sports developed a program known as the National Summer Youth Sports Program, which involved over 120 colleges and universities providing sports competition and instruction in forty metropolitan areas. Set up for an estimated 75,000 disadvantaged young people, the program was to supply meals, medical examinations, staff salaries and wages, transportation, insurance, expendable equipment and supplies to youngsters aged twelve to eighteen in numerous cities throughout the country.

In announcing the new program, Vice President Agnew outlined its administrative structure:

> Colleges will contribute their gymnasiums, swimming pools, tracks, playing fields, and special purpose rooms as well as a full-time program director and capital sports equipment at a cost of $1.55 million. The balance of the program's cost will be financed through a transfer of $3 million in OEO [Office of Economic Opportunity] funds to the Department of Health, Education, and Welfare which will assume responsibility for the program. The program will be administered by the

> National Collegiate Athletic Association under contract to the Department of HEW [Health, Education and Welfare]. The President's Council on Physical Fitness and Sports which I chair as Vice President, has been assigned by HEW Secretary Finch to supervise the program.[32]

Operating as an experimental special program funded through the Office of Economic Opportunity on a yearly basis, the Summer Youth Sports Program became quite popular throughout the nation; however, its yearly, non-permanent budget caused the NCAA to push Congress to establish the program on a permanent basis. In 1971 eight bills and one amendment were offered in this direction. The eight bills called for the program to be taken out of OEO and placed directly under HEW on a permanent status and authorized appropriations of five million dollars in fiscal 1972, seven million dollars in 1973, and ten million dollars in each of the three ensuing fiscal years.[33] On the other hand, Amendment S. 2007 by Senators Cranston and Schweiker would continue the program on essentially the same basis on which the program had been operating, but would provide six million dollars which, if approved, would have meant that the program could have been expanded to a year-round basis of operation.[34]

Neither the bills nor the amendment passed but the program continued to be funded, often on a last-minute basis, by the OEO. In 1972 the program's name was officially changed to "Youth Recreation and Sports Program" and was redesigned to operate as a year-round program. However, the budget remained at three million dollars which curtailed the program's expansion to a year-round basis and, in fact, even produced a reduction in the existing summer program. For the rest of 1972 and 1973 the program continued to be funded on a yearly basis. Only one further effort was made in Congress (H.R. 910) in

1973 to place the program on a permanent basis.

This new foray of including sport in social service areas was also reflected in attempted legislation during this period. Unsuccessful attempts were made to aid underprivileged youngsters by supplying free tickets to professional, semiprofessional, and amateur sporting events in 1967,[35] 1969,[36] and 1971,[37] and to incorporate the National Inconvenienced Sportsmen's Association,[38] an organization created to increase sports participation opportunities for the physically inconvenienced (amputees, blind, deaf and neurologically damaged). While these attempts failed, national service organizations fared much better as the National Red Cross was granted preferential treatment in 1952 by passage of Pub. Law 465, which allowed all sport programs conducted for its benefit to be excluded from income tax. Similarly, Pub. Law 319, passed in 1959, provided exemptions from the admissions tax for athletic games benefiting crippled or retarded children.

In all of these instances of federal involvement in sport in the social welfare area, sport emerged as a useful tool in promoting the public welfare. A new use for sport seems to have been found by the federal government and was generally met with little public opposition. No longer would sport be regarded solely as something frivolous or restricted to aid in national preparedness. Rather, its involvement in other spheres of American society, such as social services, was guaranteed during this period.

Summary

By far the most significant endeavor by the federal government to promote sport for the public's welfare was the creation of the

President's Council on Youth Fitness in 1956, and its ensuing drive to persuade all of American society to participate in physical fitness-producing activity and sports. Whereas other similar agencies had been created by the federal government during earlier periods, they were only temporarily established to meet the needs of war. The council's creation in time of peace marked a clear departure from this past policy. For the first time a civilian-oriented program had been established and funded by the federal government. Influencing its creation, however, was the Cold War, spurred on by adverse fitness test results which showed American youngsters to be inferior to their European counterparts in a series of specific strength exercises. The council's policies continued to be in line with the American beliefs on any government agency working in what is considered a private sector; that is, a low profile was kept, with only advice and planning offered to the states or local communities when it was asked for. Under no circumstances was the President's Council on Youth Fitness to depict itself as a national policy-making body for all the states in the area of physical fitness. Even though strides were made in the creation of a national fitness agency, efforts at legislation in the area of physical education and physical fitness were minimal, due possibly to the fact that such a national organization was in existence.

On the other hand, while federal legislation in the area of physical education was quite minimal compared to the previous time period, headway was made in the areas outside the normal physical education classroom. Congress managed to establish a program of aid for institutions training physical education teachers of the handicapped and mentally retarded. Similarly, the federal government became directly involved in using sport in areas of social service. The federal government authorized a National Youth Sports Program in conjunction with colleges in instruction and competition for urban disadvantaged youth, and granted tax exemption privileges for sport events conducted for social service organizations.

These movements, and ones similar, which diverted the federal government from traditional areas of involvement of sport in schools to more involvement in American society coincided with the attitude taking place within the culture. Social legislation was becoming more acceptable during this period, as evidenced by Medicare and civil rights legislation, as the public slowly allowed the federal government to assume more of an active role in an area previously regarded as sacrosanct. Sport proved to be one of these sacrosanct areas as the federal government proceeded to recognize the possibility of using sport for purposes other than mere enjoyment and national preparedness.

CHAPTER XII

Footnotes

[1] Although the President's Council on Youth Fitness was established by executive order, it will be covered in this study since it was involved with the planning and organization of the Summer Youth Program, and was funded by Congress under the Department of Health, Education and Welfare.

[2] Hans Kraus and Ruth P. Hirschland, "Muscular Fitness and Health," Journal of the American Association for Health, Physical Education and Recreation (December 1953), pp. 17-19.

[3] H.R. 13442, H.R. 13610; S. 4145.

[4] U.S., Congress, House Bill H.R. 13442, Sec. 2(B), 85th Cong., 2d sess., 1958, p. 2.

[5] Donald P. Zingale, "A History of the Involvement of the American Presidency in School and College Physical Education and Sports during the Twentieth Century" (Ph.D. dissertation, Ohio State University, 1973).

[6] Congressional Record, Vol. 108, 87th Cong., 2d sess., 1962, p. 19186.

[7] Ibid.

[8] House Bills 12438, 12928, 13480, 13890, 14389, 14963, 15644.

[9] U.S., Congress, House Bill H.R. 12438, 89th Cong., 2d sess., 1966.

[10] Congressional Record, Vol. 113, 90th Cong., 1st sess., 1967, p. 7438.

[11] U.S., Congress, Senate Bill 3008, 89th Cong., 2d sess., 1966.

[12] Ibid., Sec. 501(a).

[13] Executive Order 10673, 16 July 1956.

[14] President's Council on Physical Fitness and Sports, "The President's Council on Physical Fitness and Sports: A Brief History," p. 2.

[15] Ibid.

[16] President's Council on Youth Fitness, "Action for Youth Fitness," 1958.

[17] Report of 2d annual meeting of the President's Council on Youth Fitness and the President's Citizens Advisory Committee on the Fitness of American Youth, "Fitness of American Youth," 1958.

[18] Kennedy wrote three articles in national magazines exhorting the populace to become more fit:

John F. Kennedy, "The Soft American," Sports Illustrated (26 December 1960), p. 16;

John F. Kennedy, "Vigor We Need," Sports Illustrated (16 July 1962), pp. 12-14;

John F. Kennedy, "Physical Fitness, A Report of Progress," Look (13 August 1963), pp. 82-83.

[19] President's Council on Physical Fitness and Sports, "A Brief History," op. cit., pp. 2-3.

[20] Executive Order 11074, 1963.

[21] Ibid., p. 3.

[22] President's Council on Youth Fitness, "Suggested Elements of a School-Centered Program" (July 1961), p. 3.

[23] Zingale, op. cit., p. 122.

[24] Weekly Compilation of Presidential Documents, 6 June 1967, p. 834.

[25] President's Council on Youth Fitness, "A Brief History," op. cit., p. 4.

[26] Ibid.

[27] President's Council on Physical Fitness and Sports and Staff, 1973 Annual Report, p. 2.

[28] Ibid., p. 6.

[29] Congressional Record, Vol. 103, 85th Cong., 1st sess., 1957, p. 14130.

[30] Congressional Record, Vol. 113, 90th Cong., 1st sess., 1967, p. A 3106.

[31] Congressional Record, Vol. 115, 91st Cong., 1st sess., 1969, p. 9793.

[32] Statement by the Vice President on the new program, Weekly Compilation of Presidential Documents, 17 March 1969, p. 428.

[33] House Bills 10724, 10820, 10848, 10980, 11173, 11174, 11402; Senate Bills 2007, 2198.

[34] NCAA News, Vol. 8, No. 12, 15 November 1971, p. 1.

[35] House Resolutions 11719, 11793, 11817, 11936, 11946, 11998, 12068, 12165, 12284, 12541.

[36] House Resolutions 205, 8594, 9159.

[37] H.R. 1228.

[38] 1972 (H.R. 15453); 1973 (H.R. 4586).

CHAPTER XIII

FEDERAL INVOLVEMENT TO PROMOTE AMERICAN INTERESTS OR FOREIGN POLICY OBJECTIVES

1950-1973

> Today, the Communist aggressor has again forced this Nation into battle--a battle to save the free world. On the wild, inhospitable, rangy hills and mountains of Korea, in bitter cold, sleet, rain and mud, the cream of American youth--the Nation's finest--hold the line against the spread of Communism throughout the world.[1]

So began the infamous decade of the fifties upon which the foundation of American foreign policy was laid for the next two decades. Not only was the struggle between the two ideological camps to take place on the field of battle, but also on the field of sport for all the world to witness.

With a determination heretofore unseen in other areas of sport, the American federal government stepped into the fray by attempting to aid American amateur sport involved in international competition in order to promote American interests and foreign policy objectives.

Basically, this promotion was carried out through three programs. The first was to promote and encourage American international athletic success. At the same time a second aspect was emphasized. This was the sponsoring of athletic cultural exchanges with other countries, a program which had begun on a limited basis after World War II and which was greatly increased following Soviet inroads in this area in the 1950s. Finally, the third thrust was aimed at the granting of financial aid to enable sports associations to host prestigious international athletic events on American soil. Notable among these were the Pan-American and Olympic games.

Promoting International Athletic Success

The Rise of Soviet Sport

American international supremacy in amateur athletics, spurred by a decisive victory in the 1948 Olympics, was undaunted and undiminished at the beginning of the second half of the twentieth century. Even when the International Olympic Committee extended an invitation for Soviet representation in 1951, thereby qualifying the Soviets for their first modern Olympics in 1952, American feeling of superiority continued unabated. The only question which stood in the minds of Americans was by what margin Uncle Sam would win the 1952 Games. For the first time since the 1936 Olympics, lines were drawn ideologically between two hostile camps.

> The United States has to have its strongest possible representation just to teach the Red brothers a lesson that can't be excused or concealed. . . . There will be 71 nations in the Olympics at Helsinki. The United States would like to beat all of them, but the only one that counts is Soviet Russia. The Communist propaganda machine must be silenced so that there can't be even one distorted bleat out of it in regard to the Olympics. In sports the Red brothers have reached the put-up-or-shut-up stage. Let's shut them up.[2]

Even though the State Department at this time was taking notice of Soviet athletic exchanges, little thought was given toward government aid for the purpose of sending the American Olympic team.[3] Again private funds were solicited. This procedure was highlighted by a fourteen and one-half hour telethon during which over 250 celebrities participated, including such celebrities as Bing Crosby, Bob Hope and

Frank Sinatra.[4] Despite such drives for aid, the reticence of the federal government to aid the U.S. Olympic Team was attacked by noted sports columnist Arthur Daley, who summed up what he believed to be the public's attitude during this period:

> Instead of letting our Olympians hold out their hats like beggars every four years, we could let the Government pick up the tab. The federal authorities never would notice a sum like $650,000. But when that time comes, we should quit the Olympics. Sports lovers--and this applies to all sports--want nothing from the Government--money, advice, controls, interference or bureaucrats.[5]

American supremacy in the Olympics was maintained in 1952. What was not expected was the strong second place Soviet showing. From this point onward American federal concern in American international athletics changed and coincided with the diminishing image of American athletic supremacy in the Olympic games. Americans soon began to take notice of the all-out effort on the part of the Soviet Union and began to ask themselves about the role which sport played in the entire east-west confrontation.

> What is the meaning of this rapid advancement of Russia in the world of sports? . . . To what extent is superiority in competitive athletics tied in with national success, prosperity, and invincibility in warfare?[6]

Further public recognition of Soviet inroads into international sport occurred in 1955 with the publication of an article in a popular magazine by Avery Brundage, president of the International Olympic Association,[7] and a speech by William Randolph Hearst, Jr., editor-in-chief of Hearst newspapers, when each returned from trips to the Soviet Union:

> The United States is likely to have a tough time at the 1956 Olympics in Melbourne when Soviet Russia enters a team which even now is being prepared for this big test. America

> has dominated the modern Olympic games since their inception. It has also been a source of prestige to us throughout the world, especially with sport conscious young people. How will the youth of the world feel, especially in doubtful areas, if the Russian team ends America's long sway at Melbourne in "56."[8]

With the floodgates open, the issue cropped up with increasing frequency:

> The Russians will knock the ears off the Americans in the 1956 Olympic Games in Melbourne, Australia, next year. It isn't a pretty fact but its virtually an inescapable one. . . . The red brothers will scream to the world that this is merely one more proof of how decadent the capitalistic system really is. . . . They have no intention of missing out on a propaganda vehicle as monumental as this one. . . . The embarrassing part of it all is that the United States might not be able to outscore the Russians even with our best.[9]

Congress also was alerted and the topic was discussed repeatedly.[10] One of the more vociferous representatives was Senator Butler:

> Are we in the United States--where our record of excellence in the field of amateur sportsmanship is a byproduct of our unique system of government--allowing the Soviet Union to pollute the Olympic Games; to use, with diabolic deceit, the spirit of sportsmanship itself as a velvet-gloved iron fist to ruthlessly hammer out their godless propaganda?[11]
>
> . . . .
>
> It should be clearly evident to those with eyes to see that the Communists--who will subvert everything from the Diety to the invention of the sewing machine, to serve their cause--have their sinister eyes fixed upon the 1956 Olympic Games. And their ulterior motive is to advance not the cause of fair play and sportsmanship, but international Communist domination.[12]

Congressman Butler then attacked what was to be one of the main objections voiced by Americans and their congressional representatives concerning Soviet athletes competing in the Olympics: professionalism.

> The Soviet athlete is as much a pawn in the vast Soviet mechanism as any other segment of the total Soviet proletariat. He is not an individual. He has no independence. He is anything but a free agent. His only right is the right to obey. And his duty is simple and absolute. He must win. . . . What

> further evidence do we need that the atheistic masters of the Kremlin are flagrantly violating the principle of the Olympic Games when we consider that these 12 million athletes are trained from childhood to adolescence, like performers in a circus, and to young manhood and womanhood? The hand of government possession, direction, compulsion is everywhere. This is clearly in violation of Olympic rules.[13]

Calling for the American people to take the initiative, Congressman Butler proposed two methods of attack:

> I call upon everyone--the press, radio, government, educators, and lay people in general, who are interested in the great principles engendered by amateur athletes--to act now to expose the deceit of the Soviet Union and emphasize our own deficiencies in amateur athletics.[14]

Less than a year later Congressman Butler followed through with his plea and introduced S. Conc. Res. 78 which contained two resolutions calling on Congress to voice opposition to the use of Soviet professional athletes in the upcoming Melbourne Olympics.

> Resolved. . . . That it is the sense of the Congress that American athletic committees should do everything humanly possible to effect the disbarment of Russian professional athletes from the 1956 Olympic Games, and that said committees should actively solicit in this undertaking the cooperation of all other participating nations outside the Iron Curtain; and, be it further Resolved, that it is the sense of the Congress, that in the event such cooperation of non-Communist nations and/or such disbarment of Russian professional athletes from the 1956 Olympic Games shall have been found to be unattainable, the athletic committees of the United States should participate in the 1956 Olympic Games only under official protest of the wanton violation by Soviet Russia of the spirit and rules of the International Olympic Games. . . .[15]

Senator Butler's resolution failed to generate public and congressional backing and died. In the meantime the controversy continued in Congress.

> Someone might ask--What difference does it make if the Russians win the Olympic games? Others might say that our American athletes have had a monopoly in winning the Olympic games and that maybe it would be good for sports if the Russians did win. Under normal circumstances these would be

> fair questions. However, when one considers that the Russian Communists are out to win these Olympic games as an indication of their superiority over the United States, the seriousness of the situation is apparent. Then, too, we must remember that the Russian Communists have the biggest propaganda machine in history and that they will pound away at all the people of the world--if they should win the 1956 Olympics, that our American democracy is decaying, that our athletic victories of the past will never again be achieved, that we are a decaying society--like the Roman Empire in its last days.[16]

Slowly attitudes, as reflected by some members of Congress, began to change toward the idea of federal aid to the American Olympic Team.

> It would be folly for us, as Members of Congress, on the one hand to sponsor programs which we consider absolutely necessary for the protection of the American people which cost billions of dollars, and then, on the other hand, neglect to make sure that international activities such as the Olympic games have a full United States participation. There is a possibility that the President's emergency fund which Congress authorizes each year could be used to assist the American Olympic Committee in fielding a full United States Olympic team.[17]

To that end Congressman Feighan attempted passage of bill H.R. 6777 in 1955, which would have included within the President's fund provision for assisting the athletic program of the United States with a view toward aiding American athletes to participate in the 1956 Olympic games. About the same time two other bills, S. 3280 by Senator Butler and H.R. 9366 by Congressman McDonald, were before Congress. Each called for a reimbursement of athletes selected by the United States Olympic Association to represent the United States at the Melbourne Olympics. The passage of these bills would have meant a reversal of past attitudes. Congress was not swayed. Both bills died in committee and Congress continued to follow the same path of non-involvement as before. In fact, Senator Butler, author of one of the above bills, seems to have had a change of heart later in the session when he spoke about financial support of athletic teams:

> I do believe, however, that we are treading on dangerous ground when we say that it should come from Government by whatever means. And, I say further, that finances are not our most immediate need. Government subsidization of our athletes would make them official representatives of the American Government--which they are not.[18]

Public and congressional fears came true at the Melbourne Olympics. The United States placed second to the Soviet Union in the unofficial point standings. Despite this, the doomsday warnings forecast by so many never really reached fruition as the public and Congress remained rather unresponsive to the entire matter. Federal interest in the Olympics began to strengthen as the United States prepared for the 1960 Winter and Summer Olympics, and any indication that the Cold War was drawing to an end was surely not evident in Congress:

> Let us not, however, be swept off our feet by any illusion that competition between athletic teams ultimately generates good will between us and the people of the Soviet Union. . . . The unfortunate fact is that these Russian athletes competing against our bona fide amateur track stars were, for practical purposes, tools of the Soviet regime being exploited to promote the achievements of Communism.[19]

The news media also continued its assault on the Soviet professionals:

> The Communists are well aware of the great propaganda value of the Olympics. As such, the Kremlin and all its satellites employ the games as a political weapon, an easy and readymade avenue for penetration of the free world. Their athletes are in reality Communist agents, professionals in every sense.[20]

Some writers, in fact, advocated a revision in the Olympic rules:

> There is a solution, as bold as the first sputnik--just stop kidding ourselves and drop that old-fashioned term, "amateur." Why not let pros, as well as amateurs, enter the Olympics? No more our amateurs against their professionals.[21]

Possibly to soften the blow of what appeared to be an imminent defeat, President Eisenhower, at a press conference in February of 1960, declared that in his view it was not necessary to keep up with the Soviet Union in all areas, including sports.[22] Fears of Soviet sport domination were well founded as the Soviet Union doubled the medal total of its closest rival in the Winter Games of 1960, causing Congressman Stratton to remark:

> Mr. Speaker, does this not look like the same thing that we seem to be running into also in the race for space and the construction of superior military power? Have we Americans indeed lost the old competitive spirit? Is it true that in space and in the race for military superiority and in the competition to produce the best educated engineering and scientific brains, just as in the competition for gold medals in the Winter Olympics, "they're eager and we're not"?[23]

The Soviet Winter Olympic victory was followed by yet another Summer Games defeat for the United States, this time by a greater margin than the Melbourne Games. Less than a year later, the White House released a report known as the "Conclusions and Recommendations of the President's Committee on Information Activities Abroad," headed by Mansfield D. Sprague. Of the approximately twenty pages in the report, two paragraphs were devoted to sport. While admitting that some Soviet sporting victories had certain propaganda value, the Sprague Report stated that the problem didn't justify any fundamental departure from the established American practice of participating in the Olympic games and other international competitions on a private and amateur basis.[24] The committee's report in this regard came under heavy criticism from at least one writer, John J. Karch:

> This shows pathetic complacency and indifference to an important American activity and an almost appalling lack of appreciation, or knowledge, of Soviet propaganda efforts in

> sports. It leads one to realize that our situation is serious and calls for much self-evaluation and an examination of Soviet philosophy, aims, and programs in this significant field in which impact is made upon many millions of people in all nations.[25]

Karch outlined fifteen steps which the United States needed to take to remedy the situation, some of which were quite antithetical to America's past:

> Adequate expenses should be provided--by government and private sources--to obviate the necessity of door-to-door begging for transportation and living expenses. . . . We should stress victory, not merely participation. Our children are taught that it isn't important whether you win or lose, but how you play the game. Nothing could be more nonsensical. In reality, teams and individuals play to win. The millions of spectators in the United States and throughout the world attend sports events and exhort their teams to win. In the Olympics and international meets, only the winners are honored.[26]

Wilkinson's National Foundation Plan

Possibly unknown to Karch and others, something was being done at the federal level by Bud Wilkinson, director of the President's Council on Physical Fitness and special consultant to President Kennedy. As a result of his discussions with President Kennedy, the Attorney General and various sports groups, Wilkinson proposed the creation of a national foundation to increase participation in sports and fitness activities, broaden recreational activities, and to strengthen United States representation in the Olympic games and other international athletic competitions, especially in thirteen underdeveloped sports and women's sports.[27]

The proposed foundation was to be administered by a ten or twelve man board of trustees and was to be financed from a privately obtained endowment fund. Besides giving financial support to worthwhile fitness, recreation, and sports development projects, the foundation was to encourage municipalities and states to build facilities for underdeveloped sports, to promote an annual national sports festival comprising all Olympic events, and encourage high school and college conferences to adopt and emphasize, on an interscholastic or intercollegiate basis, underdeveloped sports.[28] In addition, an attempt was made to enlist the cooperation of the military to train and develop teams for rowing, water polo, rifle and pistol competition, equestrian events and walking. The proposed foundation would also have been responsible for promoting competitive Olympic programs for women, obtaining the use of school and college facilities when not in use, stimulating an international exchange of athletes and coaches, encouraging the development of comprehensive sport film libraries emphasizing training films, and establishing a national awards system for Olympic sports.[29]

Apart from the typical advantages of an overall national program with the possibility of future success, Wilkinson noted two additional features which he felt were advantages:

> [It] would avoid dampening--by Government subsidy--private initiative and support, and making presently self-supporting activities reliant upon such subsidies . . . would reinforce the U.S. tradition of relying on private action and support for sports development.[30]

In discussing this aspect several years later, V. L. Nicholson, Director of Information for the President's Council on Physical Fitness, stated that Wilkinson's reasons for private financing of the foundation were based on his belief that schools, colleges, and the amateur sports-governing bodies would not accept federal subsidies for sports development, the fact that government subsidization of athletics was a ticklish matter internationally, and his feeling that funds could be obtained from private sources.[31]

Wilkinson and President Kennedy discussed the problems of launching the foundation, and the President indicated that he would be willing to call together ten or twelve influential and interested men and urge them to get the foundation started. Kennedy also stated that he would speak at a dinner to inaugurate a fund-raising drive.[32] Neither the kick-off dinner nor the foundation went beyond the planning stage. John F. Kennedy was assassinated in 1963 and Wilkinson subsequently resigned to run for political office.

Humphrey's Fitness Program

While Wilkinson was busy with his proposal for a national foundation, Senator Hubert Humphrey was on the floor of the Senate extolling the need for a coordinated fitness program for the nation. Humphrey's five-point fitness plan was not limited solely to physical fitness, for one major point was aimed at increasing United States Olympic performance:

> Third, we should encourage civic and sports leadership throughout the land to establish--voluntarily--a national goal, a national plan and program for American participation in the international competition, particularly in the Olympics.[33]

To do this Humphrey proposed a national foundation not unlike that of Wilkinson's:

> A private U.S. Olympic foundation, or its equivalent, should, in my judgment, be established. . . . On the board of the private U.S. Olympic foundation should serve the greatest civic, sports, and professional leadership in our land. To the foundation should come generous donations from business, labor, philanthropy, and private groups and citizens. . . . With the proposed foundation's money there should be devised a permanent, voluntary, National Olympic plan. Its goal should be to field the strongest possible Olympic team--representative of the best talent that the 50 States of the

> Union can offer. Such a private foundation, representing all interested U.S. groups, would raise money to assist in the training, the transportation, and the temporary housing of our Olympic contestants.[34]

Humphrey made repeated reference to this topic in the Senate,[35] and also published an article in a national magazine in January, 1963.[36]

> You may ask what the Olympics have to do with international politics. Make no mistake about it, the relentless struggle between freedom and Communism embraces almost every level of life from spacemen to sprinters. Because the Russians understand this, they have converted the once-idealistic Olympic games into an ideological battlefield. They sneer at the "AMERIKANSKIS" as a nation of softies and portray the United States as a "tired, decadent, declining power." Once they have crushed us in the coming Olympic battle, the Red propaganda drums will thunder out a world-wide tattoo, heralding the "new Soviet men and women" as "virile, unbeatable conquerors" in sports--or anything else.[37]

In the article Humphrey proposed a ten-point plan, salient among which were items that called for an increase in the fitness level of American youngsters, a nation-wide junior Olympics, an emphasis on obscure Olympic sports with appropriate facilities, the adoption of Olympic rules and standards and more encouragement to American girls to participate in sport.[38]

As for the federal government's role:

> Uncle Sam should do more to stimulate enthusiasm in the Olympics. The government could help conduct a nation-wide publicity campaign, could also help by picking up more of the tab for the international travel and expenses of the coaches and teams.[39]

Possibly unknown to Humphrey, events were taking place within the federal government on this matter.

Interagency Committee on International Athletics

At this time the NCAA-AAU feud was at its peak, and as it continued it became evident that if the United States was to assume world leadership in the field of athletics, something had to be done.

> The situation in 1963 left much to be desired. The comparative position of the United States in international athletics had actually been declining for some years, relative to other nations that had previously embarked on national programs to encourage the development of athletic talent. A number of nations had established cabinet or sub-cabinet positions and devoted considerable resources to those programs. . . . To restore and maintain our national position in this field would, in the opinion of international sports experts, require a substantial long-range national effort to encourage the development of athletic talent. Such an effort, it appeared, could probably not be launched and continued effectively by athletic leadership excessively preoccupied with the AAU-NCAA conflict.[40]

As a result, exploratory talks between government officials and sports leaders were made in the spring of 1963, and in mid-1963 an informed task force was developed within the federal government to consider the problems affecting amateur athletics and to assess the contribution the government might make in helping find solutions to those problems. Members of this task force consisted of representatives of the Department of State, Department of Justice, and the President's Council on Physical Fitness.[41]

> At the outset, the task force recognized that amateur athletics in the United States must remain under the control of private organizations. At the same time, it was clear that the government had a legitimate interest in American sports, particularly as they relate to international competition, and that this interest called for more national attention to the development of our international athletic capabilities.[42]

Feeling that the government's attention should be steady and not spasmodic, the task force accordingly recommended that a permanent interagency committee be established which could serve as a clearinghouse for information on amateur athletics which would give private organizations the means for better developing the athletic potential of the United States.[43] On August 6, 1963 President Kennedy took the task force's advice and issued Executive Order 11117, which established an interagency committee on international athletics.

> Whereas it is vital that the United States be constantly informed concerning all events, activities, and conditions that might have a potential effect upon the foreign relations of this Nation and the well-being of its people; and
> Whereas international amateur athletic competitions and related activities conducted by private individuals and organizations free from Government sponsorship, interference, or control frequently make significant contributions to international good will and elevate standards of physical welfare throughout the world; and
> Whereas these activities merit sympathetic attention and encouragement by the United States; and
> Whereas it would be advantageous for the Department of State to have the advice and assistance of other departments and agencies in discharging its responsibilities in this regard; . . . There is hereby established . . . .[44]

Generally, the committee's functions concerned four areas:

> (1) To provide continuing attention to athletic problems at the staff level in order to supplement the attention of top level officials . . . (2) To coordinate the interests and activities of its member agencies--State, Defense, Interior, Justice, the President's Council on Physical Fitness, the U.S. Information Agency, and the Peace Corps--all of which are concerned in some respect with athletics and its problems; (3) To act as a clearinghouse for the exchange and review of sports information of special interest to Government agencies and sport organizations; and (4) To make reports and recommendations to the President and Secretary of State, as appropriate.[45]

Membership of the committee was to be varied but nonetheless restricted to individuals already within the offices of the federal government.

> The committee shall be composed of representatives to be designated by the Secretary of State, the Attorney General, the Secretary of Health, Education, and Welfare (in his capacity as Chairman of the President's Council on Physical Fitness), and the heads of such other departments and agencies as the President may from time to time designate, or as may be invited to participate in the activities of the committee upon its request.[46]

Continued Proposals to Aid Amateur Sport

During this same time span events were taking place pertaining to the funding of United States international athletic teams. In 1961 the federal government broke all precedent when the State Department helped defray the travel costs of the United States Nordic Ski Team which was sent to compete in Poland. The rationale was that under federal laws competition behind the "Iron Curtain" qualified for federal funding.[47] Although this direct payment was precedent-setting, it did little to alter the existing private funding of amateur athletics. As the 1964 Olympics drew closer, articles again began to appear calling for some type of national plan with, in some cases, federal funding: "Adequate expenses should be provided--by government and private sources--to obviate the necessity of door-to-door begging for transportation and living expenses."[48] Senator Humphrey took to the Senate floor to exhort his fellow congressmen to action in both July and November of 1963.[49] On the latter date he introduced a seven-point program which repeated many of the earlier programs he had put forth, mainly the need for a national foundation, an Olympic development program and the development of amateur sport facilities, plus the creation of an appropriate presidential symbol for American Olympic participants in the form of an Olympic participation medal.[50]

During the same year Senator Humphrey received a proposed plan from the Amateur Athletic Union by which the United States Government would appropriate $500,000 to eighteen sports-governing bodies to financially assist with travel expenses for various national championships.[51]

While Humphrey did not openly condone or condemn the idea, he did broach the subject of federal involvement while warning the amateur feuding bodies to patch up their differences:

> In this country, athletics are overwhelmingly nongovernmental in nature; that's the way they should be kept. None of us wants the U.S. Government to intervene, if it doesn't have to. The Government has enough of its own problems to attend to. . . . Nevertheless, the U.S. Government does have a legitimate interest in fostering a sound solution. The U.S. Olympic Committee was chartered by the U.S. Congress. If the goal of Public Law 805 is not being achieved, then, the Congress has little alternative but to review that law and make whatever changes are necessary in it.[52]

Several congressmen meanwhile were attempting to pass various pieces of legislation to aid, in some manner, amateur athletics. Congressman Wilson introduced H. Res. 5807 in 1963, which was designed to grant federal personnel leave with pay if they were engaged in international athletic competition.

> Mr. Speaker, the honor and prestige of the United States of America becomes a matter of great concern whenever a team from this country enters an international amateur athletic tournament. Whatever the semantics of discussion on sportsmanship may entail, the fact remains that our Nation is judged by people all over the world on the success or failure of our amateur athletes.[53]

This bill was followed one year later by H. Res. 10539 by Congressman Morse "to authorize the appropriation of funds to pay certain expenses of the U.S. Olympic Team that will participate in the 1964 Olympic games to be held in Tokyo, Japan."[54]

Congressman Morse, possibly influenced by the poor U.S. showing in the 1964 Winter Olympic games in Innsbruck, Austria, reversed his past stand against federal involvement in sport.

> It may be time, however, to reconsider our traditional reluctance to provide Government support to U.S. Olympic teams. The present situation is humiliating for the athletes involved

> and destructive of team performance and morale. . . . The argument that we do not want to make our athletes political minions or adopt the practices of the Soviet Union does not reflect the realities of the situation. Many free world nations provide governmental financial support for participation in the Olympic games--notably the Western European nations. In my view the support of a group of outstanding amateur athletes carries with it no greater political overtones than any other program of cultural or educational exchange.[55]

Whether the situation was humiliating or not, Congress failed to act on either piece of legislation.

In February Senator Humphrey again came to prominence on the issue of American athletic performance in international competitions. He cited the poor United States showing in the Olympics and proposed that President Johnson appoint a White House commission on sports to outline a nation-wide program dedicated to improving American performances in international competition.[56] Reiterating what he had repeatedly called for in the past, Humphrey noted that the responsibilities in this area "rest fundamentally on private shoulders, but the United States Government cannot ignore the fact that Communism has gained tremendous propaganda mileage out of Eastern bloc sports victories."[57] Humphrey's ideas were backed in principle by Senator Keating: "Mr. President, whether we do it through a Congressional study, a White House Commission, or amateur groups throughout the country, it is imperative that the United States start planning for the 1968 Olympics."[58]

Attention was focused on the President as Humphrey waited for a response.

> Although the President has not publicly responded to the senator's proposal, some administration officials say that Mr. Johnson already has approached several business and industrial leaders and retired military officers about the idea.[59]

Gavin's Report to the President

Behind the scenes the Interagency Committee on International Athletics adopted Bud Wilkinson's concept of a sports foundation and encouraged President Johnson to consider it. President Johnson turned to General James M. Gavin to consider the possibility of such a foundation and, after discussions with sports and other national leaders and with the Interagency Committee, General Gavin agreed to consider the problems of organizing a foundation.[60]

On June 12, 1964 General Gavin met with the President and at the President's request agreed to make a detailed study of the problem.[61] Gavin's approach to the study was threefold: "(1) To evaluate the present status and future plans of competitive amateur sports in the United States and in selected foreign countries; (2) to analyze data and opinion on scale and need for additional or improved administration, facilities, equipment, training, finance and research; and (3) to determine the organization, staff, program, budget, and financial plan for a new national institution designed to meet identified needs."[62]

The study, while it had federal backing, was not federally financed but rather financed privately through a donation by the Fuller Foundation, Inc. of Boston and Arthur D. Little, Inc. From the beginning Gavin ran into a problem which was to persist throughout the study in that little comprehensive information of national scope was available on the status, problems, and developmental needs of amateur sports in the United States.[63]

On January 25, 1965, six months after it was initiated, General Gavin presented his report to President Johnson.

> Responding to your request for a review of the status of amateur sports in the nation today, I have the honor to recommend to you the establishment of a new institution, the National Amateur Sports Foundation. . . . As a result of my review of this subject, I am convinced that a vigorous national program of amateur sports can contribute to the solution of the social problems of underprivileged young people, strengthen the position of the United States in international sports competition, enrich education at all levels, and encourage the achievement of excellence in the field of physical endeavor commensurate with achievement in other cultural fields.[64]

Gavin's report listed several observations and in particular pointed out the value of sport in developing the individual and strengthening the fabric of society, and the fact that other nations were recognizing physical fitness and amateur sport as public responsibilities to be supported by public funds while the United States failed to have a comprehensive amateur sports program.[65] Gavin then noted the only way to remedy the problem:

> None of these problems is likely to be resolved satisfactorily in the absence of a new organization of appropriate scale and quality; and, as a consequence, the United States in the long run risks falling behind other nations of the world in the quality of its performance in competitive amateur sports.[66]

The report proceeded to recommend the creation of a new institution to be called the National Amateur Sports Foundation, which was to plan, coordinate, promote and support the conduct and development of amateur sports throughout the United States.[67] The functions of the foundation were to study, advise, formulate and maintain a national policy relating to amateur sports, to coordinate the activities of national sports associations, to strengthen and expand the development of competitive amateur sports in the United States and to carry out activities that extended knowledge or facilitated the practice of amateur sports.[68] (See Appendix A.)

As to the foundation's makeup and creation:

> Because the Foundation should represent a unique fusion of the public interest and private initiative in an activity traditionally free from Government control, we recommend its organization as a private body corporate under Congressional charter, and that the President of the United States bestow upon it the prestige of his office by appointing the initial board of trustees and a minority of successor trustees as vacancies occur.[69]

Financing the foundation was to be a combination of private and public moneys, with an initial federal grant of three million dollars for each of the first three years of its existence, to be matched by private donations. Eventually the foundation was to operate on the income from an endowment fund.[70]

In closing, General Gavin emphasized the need for the President's help in establishing the foundation and called upon the President to give the matter his closest attention.[71]

In spite of the fact that the report was requested by the President, no public statement or written document was released by President Johnson after reception of Gavin's report. Later, in reflecting on this aspect, General Gavin remarked:

> President Johnson, when he received our report on a proposed national amateur sports foundation, just pigeonholed it, and, despite several calls at the White House, I never could get anything done about it.[72]

Possibly affecting the President's lack of action was the attention the Chief Executive was giving at the time to the Vietnam war and, as a result, the idea for the foundation was retired--at least for the time being.

Coinciding with Gavin's report, the United States Olympic Committee, which had been under criticism for its organizational structure, authorized a similar study of its own by the Arthur D. Little Company in which some reorganizational recommendations were made.[73] In it, Gavin's idea of a national amateur sports foundation was only referred to lightly, although the U.S.O.C. had previously gone on record in support of the idea at its 1963 meeting.

Interagency's First Report

Meanwhile, the Interagency Committee on International Athletics was at work preparing its first official report to the President. Late in January of 1965 the committee presented a summary of its efforts and future concerns along with reporting that it was in the process of conducting a survey with all diplomatic and consular posts concerning the organization of sports in each individual country and the effect of American sports performance on the attitudes of the people in that particular country.[74] In addition, the committee noted it had appointed a facilities subcommittee to gather information on the type of facilities needed for Olympic and other international sports, the availability of such facilities, and the steps which the federal government might properly take to encourage expanded availability of such facilities.[75] The committee disclosed that it envisioned four areas of new business. One area was to review the results of the 1964 Olympic games in terms of long-range trends, underlying factors and overall international impact. Another was to explore whether community action supporting the United States national position in international athletics could be linked to comprehensive programs to eliminate social problems. Also, the committee was to explore whether the existing programs of other federal agencies could be conducted in a manner that would encourage the improvement of amateur athletics in the United States. Finally, the committee was to consider the stimulation of research into the subject of amateurism and professionalism in sports in order to better understand their national and international significance.[76] As far-reaching as these undertakings and these future plans were, little was heard publicly from the committee after 1965 as it maintained an extremely low profile through the second half of the 1960s. Nothing was ever published or announced on these four topics, and except for a published report on the impact of sports on the achievement of United States foreign policy objectives in 1965, little was heard again from the committee.

Continued Interest in American International Success

The issue of American international athletic success remained, however, and was again brought to the attention of the public by Vice President Humphrey in a television program on the Russian sports revolution in the summer of 1966,[77] and an article by Irving Jaffee in the American Legion Magazine in September of 1967.[78] In both cases the need for a national program was again emphasized.

Vice President Humphrey also became somewhat involved in 1968 when Black American athletes threatened to boycott the 1968 Summer Olympic games in Mexico City because of racism in America. The possibility of such an action would have greatly decreased American chances of surpassing the performance of Soviet athletes, and Vice President Humphrey obviously knew this when he appealed to the boycotters: "I can't emphasize too strongly what it is like to win an Olympic medal. It is hard to argue with a champion; he is a winner, not a talker."[79]

Boycott or not, the American Olympic team proceeded to upend the Soviet Union in the Summer Olympics of 1968, the first time since 1952. As in the past, the American Olympic team went to the games without federal aid, although unsuccessful attempts were made in Congress in 1966 (H. Res. 17068) and 1967 (H. Res. 633) to authorize the issuance of Olympic stamps to assist in financing American participation in the Olympic games, thereby ensuring a stronger American effort. Attempts were also made in 1967 (H. Res. 13062) and 1969 (H. Res. 443) to provide matching grants for the construction of athletic facilities along Olympic standards, but they too met with failure. Thus, promotional interest by the federal government in the second half of the 1960s generated very little in the way of concrete results, if public interest can be gauged by congressional action.

Except for a few forays into minor matters pertaining to international sport in which Congress voiced its opposition to allowing Moscow to host the Olympic games[80] and a one-day Senate hearing on Cuba's use of sport for political purposes,[81] congressional involvement to promote American interests and foreign policy objectives was relatively dormant until 1972. At that time the ire of Congress was aroused, not only by the massacre of eleven Israeli athletes at the Munich Olympic games by Arab terrorists,[82] but also by the poor U.S. showing, due in part to organizational blunders of U.S. officials and seemingly biased judgments of officials favoring Communist countries. This resulted in calls once again for the creation of a national amateur sports foundation much like that proposed by General Gavin in 1965.[83]

At the same time, the executive branch of the government, working behind the scenes, attempted to find a remedy to the amateur athletic problems which were highlighted in the 1972 Olympics. Two members of the White House staff, Steve Mead and Mike Harrigan, were assigned to look into the entire problem with hopes of finding a solution amenable to all parties involved so that the United States could field its best team in the 1976 Montreal Olympics. In 1973 their recommendation for solving the internal amateur athletic organizational struggle was cited in a research paper aimed at breaking up the AAU's control over the USOC.

> It should be clear from the foregoing data that the necessary solution is to reorganize the USOC so that no one body controls the USOC and no one body controls each of the federations governing international competition.[84]

As for Congress and its involvement in these matters, it was their opinion that:

> Congress seems content to react to the kind of hassles resulting from USOC ineptitude at Munich and the recent Russian basketball series, but it doesn't seem to have the patience for the kind of painstaking research and investigation necessary to develop sound legislation. Barring positive leadership by the President, most members of the Congress probably will continue to use the problems in amateur athletics merely as a convenient vehicle for getting their names on the sports pages.[85]

To them the answer to the situation lay in an investigation of the United States Olympic Committee as called for in the bill presented in late 1973 by Congressman Mathias and which had the backing of the executive branch. By the end of 1973 no visible results were forthcoming in this area, possibly due to the preoccupation of the President and Congress with the Watergate scandal which was just surfacing at that time.

In spite of repeated attempts to promote American international success in the face of possible Soviet Cold War athletic gains, very few concrete results were forthcoming. True, an interagency Committee on International Athletics had been created and numerous attempts were made to establish a National Amateur Sports Foundation. However, all these efforts proved futile in the face of issues which the federal government deemed to be more important, specifically Vietnam and Watergate. Coinciding with this was the continued opinion by a majority in Congress that aid to sport should be left up to private agencies, not the federal government.

Sponsorship of Athletic Exchanges

The 1950s began with the State Department using two vehicles, the Fulbright Act of 1946 and the Smith-Mundt Act of 1948 (U.S. Information and Educational Exchange Act), to implement cultural exchanges with other countries. At this time the idea of using American athletic representatives as political emissaries was very limited, and when a sport exchange did take place, it usually concerned physical educators sent to various countries. Characteristic of these exchanges were the three specialists who were invited to Thailand in the early 1950s to assist in curriculum development changes at a training school.[86] By and large, however, these programs were quite small and were generally considered of secondary importance.

A definite change in the attitude of the State Department occurred in the early part of the decade. As with so many policy changes that occurred during this period, a key factor which yielded the change in policy was the Cold War. Up to this juncture, sport as a method of gaining inroads into various countries for political propaganda purposes had largely been ignored by most countries. However, in 1951 a State Department official, speaking before the Amateur Athletic Union's National Convention, noted a new tactic which was being used by the Soviet Union:

> Reports from our embassies during recent months afford positive proof that the Kremlin has mounted a gigantic cultural offensive. It is designed to prove the Soviet line of supremacy in the arts as well as in the athletic field. During 1951 they have sent a greatly increased number of artists, musicians, and athletes into competitions of one sort or another.[87]

By adding sport as one weapon in their arsenal, the Soviet Union mounted a significant cultural "offensive." They sent groups on tours of various countries in an attempt to generate a favorable image of Soviet life and the Communist system. Reaction to this "offensive" in the United States was slow. By 1953 Soviet athletic teams sent on visitations to foreign countries had increased from twenty-nine in 1950 to sixty-eight teams, and foreign sport teams visiting the U.S.S.R. had similarly increased from twenty-one to sixty-four.[88] No organized program for athletic exchanges to offset this Soviet program, other than the Fulbright and Smith-Mundt Acts were in existence in the United States in the early decade. Van Dalen cited two programs which could have been organized by the State Department at that time, although available State Department records fail to verify their existence.

> Outstanding track performers were sent to all corners of the globe to compete and give exhibitions. Penn State's excellent soccer team was flown by the State Department to the troubled Near East early in 1951 for a series of games. A swimming team from the University of Michigan, headed by its veteran coach, Matt Mann, toured the British Isles in 1951 and gave exhibitions and coaching clinics.[89]

Left uncontested, Soviet sport cultural exchanges at the close of 1954 had grown to an annual sum of eighty-eight.[90]

> By 1954 it had become apparent that unless strong and well-organized counter-measures were taken by the United States, this important field of action would continue to go by default. Unopposed, the flood of cultural delegations from the Communist States and the attraction of items exhibited at trade Fairs could not fail to make their inevitable impact upon the peoples of other countries.[91]

Reacting to the problem, President Eisenhower, in 1954, requested and received from Congress five million dollars in funds to be appropriated to the President's emergency fund for international affairs for a special international program for cultural presentations. Designated as one segment of these cultural presentations was sport, which included both competitions and demonstrations. By the end of 1955 nine State Department supported teams had traveled on goodwill tours overseas--the majority to the Near East, South Asia, Western Europe and Latin America.[92] At the same time Soviet cultural and sport delegations increased from 88 in 1954 to 148 in 1955.[93]

Increasing pressure began to mount in Congress to place the program on a permanent and more active basis. This idea was reinforced when William Randolph Hearst, noted newspaper owner, returned from the Soviet Union and reported what he had seen. Speaking about the sending of Soviet athletes abroad to The People's Republic of China and India, Hearst remarked: "It stands to reason that such extensive wooing of impressionable minds is likely to pay dividends, unless we compete vigorously with the Communist effort and even surpass it."[94] Hearst then outlined to the press, and later in private consultation with Eisenhower, his plan for combating the Soviets in this area.

> What I would like to advocate here today, is the establishment of a permanent board commissioned to formulate a strategy on all fronts for meeting the challenge of this intellectual, competitive coexistence. It should survey the whole global

> scene and develop plans for the future for getting the peoples of the world on our side. Sports, theater, educational exchanges; no field should be neglected in the competition of the two conflicting systems.[95]

A similar proposition was advanced to President Eisenhower in April of 1955 by General David Sarnoff, chairman of the Radio Corporation of America.[96]

In Congress several bills were introduced to establish the program on a permanent basis.

> I have come to the conclusion that the battle of competitive coexistence has entered a new phase that calls for a quietly aggressive presentation of all the good things America has to offer and stands for. By this I mean by word, by picture, by exhibit, by groups of artists, and athletes to spread the story that this is indeed a land of plenty in industry, culture, sports--these are, after all, products of freedom. I, therefore, join with my colleagues by introducing a bill which will make a permanent part of our national life the program which has been developed and supported by the President's emergency fund.[97]

Congressional praise of the program flowed. Several members of Congress commended sport exchanges in particular as having an especially powerful impact. Congressman Mundt inserted into the Congressional Record, for the information of his colleagues, a newspaper article extolling the virtues of one sport tour:

> In this global struggle for the minds of men, with democracy arrayed against communist, the State Department sought to impress our Pan-American neighbors by sending them a young man who was representative of the highest type of sportsman. A gifted extemporaneous speaker and world famous athlete, Dillard filled the bill so well that United States Embassies in the countries he visited have been deluging the State Department with praise for his work.[98]

Hearings were held in both the House and Senate, in 1955 and 1956, on the concept of establishing the cultural exchange program on a firmer and more permanent basis. In some cases athletic exchanges in particular were cited for their possible effect.

> . . . almost the most effective thing we are doing in the Orient is sending over these American individuals and groups, especially our athletes. They bring just fabulous rewards. I don't think Americans generally appreciate that one of the greatest contributions we have made to the world is the code of sportsmanship that has developed here, with mass participation in sports, competing hard and being a good loser. One essential in a democracy is not what you do when you win, but how you behave when you lose. In many countries to lose is regarded as a personal insult to be avenged. You have to challenge somebody to a duel or find some other way to overcome him. Our sports activities do more than anything we have done to help these people get the fundamental American idea that in a democracy you do your best; if you lose, you still belong to the country and work in cooperation until the next opportunity comes. The mind of the youth of Asia, which is the No. 1 target of the Communist, is something that we have neglected too long.[99]

Possibly influenced by the revelation that in 1955 Soviet sport exchanges with the free world had risen to 239,[100] Senate Bill 3116--known as the "International Cultural Exchange and Trade Fair Participation Act of 1956"--was passed by Congress and became Pub. Law 860. This established the cultural presentations program on a permanent basis within the Department of State, with the United States Information Agency in charge of the tours within the country visited. As a result, athletic tours for fiscal 1956 were increased to fifteen. Soon afterward the number of tours decreased to a mere six in 1957, seven in 1958, two in 1959, and seven in 1960.[101] It was, in sum, a minimal program compared to the 239 sport exchanges generated by the U.S.S.R. in 1955 alone.

At this juncture another exchange program was inaugurated. In 1957 arrangements were made for the first time for direct exchanges of athletic teams between the United States and the U.S.S.R., with exchanges set to begin the following year.

Another change took place within the State Department's Athletic Exchange Program in 1958. Coaches were sent overseas to several countries to aid the national teams of other nations and to give demonstration clinics.[102] By this time the program was an integral part of American foreign policy, even though this fact was not outwardly acknowledged by State Department officials.

> These good will tours will continue to be effective as long as the governing bodies of amateur athletics in the United States continue to show the leadership and supervision they are now displaying, and as long as we in the Government recognize that our role is merely one of assistance and facilitation and not that of control or supervision. In a word, amateur sport belongs to the people of the world and not to governments. We must exercise every care to see to it that sports in our country are not employed for political or propaganda purposes. On the other hand, the fact that great athletes have enhanced the prestige of our country through their great sense of fair play and good sportsmanship is most gratifying to us, and I ask "Would any loyal American, in or out of Government, want it otherwise."[103]

As the decade of the sixties began there was no overt evidence that the intensity of the Cold War was declining. For example, the American Embassy in Helsinki, Finland, issued a request to the State Department for an American tour and spiced their request with Cold War rhetoric:

> The Embassy believes the project is admirably suited to make the greatest impact on the Finns and to help bolster the morale of a people being subjected to strong pressures in all phases of their national life from the neighboring Soviet Union and from their own domestic Communists. The Finns are perhaps the most sport conscious people in Europe and their appreciation of leading track and field athletes is based upon a long tradition. Hence, the Embassy would propose that a group of some dozen American track and field athletes, following the Olympic competitions in Rome, come to Helsinki to compete in a dual meet with the Finns for a period of one or two days before an undoubtedly filled stadium of over 50,000 spectators.[104]

Available State Department records fail to mention if the request was granted.

In 1961 further consolidation of the exchange program was made with passage of H. Res. 8666, the Mutual Educational and Cultural Exchange Act of 1961, which became Pub. Law 256. This act consolidated and superseded most of the previous legislation in the area [Smith-Mundt Act - Pub. Law 860 in 1955] and authorized the Bureau of Educational and Cultural Affairs (CU) to formulate broader programs:

> The Act, in effect, restored international educational and cultural exchange programs as a recognized area of our official foreign relations, parallel with overseas information programs, technical assistance, and other programs.[105]

Within the bureau, the world-wide athletic program was administered by the Office of Athletic Programs with three officers. The overall responsibility of this office was to formulate the Department's athletic program policies relative to group and team tours to other nations, and to advise and assist the State Department's Advisory Panel on International Athletics.[106] Individual tours by American coaches, however, came under the State Department's American Specialists Program and its staff, who worked in close cooperation with the Office of Athletic Programs.

From 1960 to 1964 the intensity of program operation increased in comparison to its level of operation during the late fifties. Seven tours were arranged in 1960, sixteen in 1961 (seven to Eastern European countries), ten in 1962, and eight in 1964.[107] During the ten-year period from 1952 to 1962 the annual budget for the athletic programs averaged approximately $100,000 per year and was steadily increased afterwards so that by 1967 the budget was set at approximately $300,000 per year, the highest level it was ever to attain.[108]

Throughout, congressmen continued to assail Communists who had made substantial inroads in this area. To offset the international thrust of their continuing to push for exchange programs, several congressmen felt it was mandatory to develop more American programs:

> It was no accident that the Soviets are sending their best coaches to developing countries; that they are importing hundreds of athletes from Latin American, Asian, and other lands. . . . All over Latin America and Asia, Soviet coaches and teams are having a field day with the athletes and crowds of emerging countries. Red propaganda is brain-washing millions of people in the new nations with an image of a so-called Soviet superman. . . . Red sports stars give a decidedly different image to people throughout the world than Red soldiers who patrol the Wall of Shame in Berlin. A massive increase in the U.S. Athletic exchange program is essential. We have been sending over too few sports leaders and, often, teams of too modest caliber. And we have been inviting too few athletes from abroad in our exchange program.[109]

In April of 1963 a report was released on the impact of the Exchange of Persons Program on the United States, the countries involved, and American foreign policy.

> There is no doubt in the minds of most of our informants, or in the minds of the Commission itself, that the exchange program has in fact served the broad interests of the United States in its relations with other countries. To the extent that it has increased mutual understanding, it has certainly served those interests. To the extent that it has dispelled misconceptions about America and Americans it has, in a very important way, served our total international objectives. It has served them also to the extent that it has demonstrated favorably, as we have just seen, American character and achievement. . . . Thus, the relation of the exchange program to the conduct of America's foreign policy is inevitably a close one.[110]

The report, however, failed to specifically analyze the impact of sport exchanges. Further, hearings held in 1963 and 1964 on the cultural exchange program failed to focus on the impact of sport exchanges, although attention was paid during the hearings to other areas such as musicians and actors.[111] Whether or not this neglect by the State Department and Congress to discuss sport exchanges reflects a lesser degree of value placed on sport exchanges by these organizations is difficult to ascertain with the present evidence.

Those in charge of the athletic programs in the State Department, however, continued to extol the virtues of sport in this context:

> Sport offers a nation a remarkable opportunity to excel, to work together at something enjoyable and rewarding to national human feelings of pride and excellence. Sports will tie a group of people together faster than many other ennobling principles. We believe that what is good for a new or developing country is good for the peace and stability of the world. And we see our faith in this proven time and again as American athletes spread out around our world teaching other people how to excel in various sports, how to compete to the best of their abilities, how to distinguish themselves in whatever sport they are most adept.[112]

Whether or not good will resulted from all programs sponsored is questionable. For example, in 1964 a State Department-sponsored team of National Basketball All-Stars traveled throughout Poland, Rumania, Yugoslavia and Egypt, and trounced all opponents by at least twenty points. In one country a minor incident occurred:

> In Yugoslavia we were supposed to play in a place, and I didn't see an American flag anywhere. I demanded they put up a flag. Somebody said something about me not following protocol and I said protocol my eye--no flag, no ball game. The flag went up.[113]

Study of the Achievement of U.S. Foreign Policy Objectives

Any indications that the Department of State was not involved in sport for American foreign policy objectives were dashed in 1965 when the Interagency Committee on International Athletics released to the State Department its study of the impact of sports on the achievement of United States foreign policy objectives:[114]

> The United States' foreign policy objectives can be achieved to some extent through the medium of sports: this is an assumption implicit in the very existence of Government sports programs. The purpose of this study was to explore the premise,

> to see whether in fact attainment of foreign policy objectives through sports can be demonstrated on a world-wide level and substantiated by actual information from our diplomatic posts.[115]

The information gleaned from all diplomatic posts was based on a questionnaire to determine whether sport was emphasized in that particular country, if it was affected by the sports performance of other countries, the sports image of the United States in that country, to what extent Eastern bloc countries participated in athletic activities in that country, and whether sport provided an opportunity to reach young potential leaders through contact or with a message that would result in better understanding of United States policies.[116]

Some of the more general conclusions of the study revealed that the world was quite sport conscious and that athletic activities were the least suspicious approach to youth throughout the world.[117] Additionally, it was discovered that nations which did not have a strong political prominence in the world scene often sought such pride through recognized excellence in sports, and often succeeded.[118]

The main genesis of the study dealt with the role which sport played and could play with reference to American interests in five areas or continents of the world. It was found that of the five areas, Africa was most influenced by sport and that sport exchanges there would favorably affect the United States' image. ". . . it would be to the advantage of the United States to increase diplomatic efforts in this direction."[119]

Africa was followed by Eastern Europe:

> In bloc countries where an outside presence is automatically viewed with suspicion, the U.S. might wisely take advantage of

> the entree into certain leader and potential leader circles which only sports can provide.[120]

And Latin America:

> With the widespread interest in sports evidenced throughout Latin America, with sports having a hold on all segments of the population for one reason or another, and with the climate generally favorable toward approach to youth through athletic activities, the United States has an excellent opportunity to further its foreign policy objectives through the use of sports.[121]

According to the report, the Near East and South Asia were not as susceptible.

> The overall picture in the Near East and South Asia suggests that the United States would be able to make diplomatic strides but that a concerted effort is essential in order to overcome a widespread passiveness toward athletics.[122]

Leading all others as the area least susceptible to sport was Western Europe:

> The prevailing level of sophistication in most European countries is such that the national images of foreign countries are not likely to be colored by sports performances of those countries.[123]

To what extent this report influenced the sending of State Department-sponsored American teams, athletes and coaches cannot be totally ascertained. When all the tours are graphed according to areas from fiscal 1955 to 1972 (the last year information was available) and then compared, pre-1965 and post-1965, the following changes seem to have taken place.[124]

TABLE 1

ATHLETIC TOURS - PRE- AND POST-FISCAL 1965

	Average Number of Tours	
	1954/55 - 1964/65	1965/66 - 1971/72
Africa	1.2	2.7
Western Europe	1.4	1.0
Eastern Europe	1.7	1.1
East and West Europe	3.1	1.4
Far East	1.1	1.2
Latin America	1.0	2.4
Near East - South Asia	2.5	2.2

TABLE 2

ATHLETIC TOURS - AFRICA

	Number of Tours							
	1	2	3	4	5	6	7	8
1954 - 1955								
1955 - 1956	■							
1956 - 1957								
1957 - 1958								
1958 - 1959	■							
1959 - 1960	■	■						
1960 - 1961	■	■						
1961 - 1962	■							
1962 - 1963	■							
1963 - 1964	■	■	■					
1964 - 1965	■	■	■					
1965 - 1966	■	■	■					
1966 - 1967	■	■	■	■	■			
1967 - 1968	■	■	■					
1968 - 1969	■	■	■					
1969 - 1970	■	■						
1970 - 1971	■	■						
1971 - 1972	■							

TABLE 3

ATHLETIC TOURS - WESTERN EUROPE

	Number of Tours							
	1	2	3	4	5	6	7	8
1954 - 1955								
1955 - 1956	■	■	■	■	■			
1956 - 1957	■	■	■	■	■			
1957 - 1958	■							
1958 - 1959								
1959 - 1960								
1960 - 1961	■							
1961 - 1962								
1962 - 1963	■	■						
1963 - 1964	■							
1964 - 1965	■							
1965 - 1966	■	■	■					
1966 - 1967	■							
1967 - 1968	■	■						
1968 - 1969								
1969 - 1970	■							
1970 - 1971								
1971 - 1972	■							

TABLE 4

ATHLETIC TOURS - EASTERN EUROPE

	Number of Tours							
	1	2	3	4	5	6	7	8
1954 - 1955								
1955 - 1956								
1956 - 1957	■							
1957 - 1958	■							
1958 - 1959								
1959 - 1960								
1960 - 1961	■	■	■	■				
1961 - 1962	■	■	■	■	■	■		
1962 - 1963	■	■						
1963 - 1964	■	■	■					
1964 - 1965	■	■						
1965 - 1966	■	■	■					
1966 - 1967	■							
1967 - 1968	■							
1968 - 1969	■	■						
1969 - 1970								
1970 - 1971								
1971 - 1972	■							

TABLE 5

ATHLETIC TOURS - EAST AND WEST EUROPE (COMBINED)

	Number of Tours							
	1	2	3	4	5	6	7	8
1954 - 1955								
1955 - 1956	■	■	■	■	■			
1956 - 1957	■	■	■	■	■	■		
1957 - 1958	■	■						
1958 - 1959								
1959 - 1960								
1960 - 1961	■	■	■	■	■			
1961 - 1962	■	■	■	■	■	■		
1962 - 1963	■	■	■	■				
1963 - 1964	■	■	■	■				
1964 - 1965	■	■	■					
1965 - 1966	■	■	■	■	■	■		
1966 - 1967	■	■						
1967 - 1968	■	■	■					
1968 - 1969	■	■						
1969 - 1970	■							
1970 - 1971								
1971 - 1972	■	■						

TABLE 6

ATHLETIC TOURS - EAST ASIA

	Number of Tours							
	1	2	3	4	5	6	7	8
1954 - 1955								
1955 - 1956	■	■	■					
1956 - 1957	■	■	■					
1957 - 1958	■	■						
1958 - 1959								
1959 - 1960								
1960 - 1961	■	■	■					
1961 - 1962								
1962 - 1963	■							
1963 - 1964	■							
1964 - 1965								
1965 - 1966	■	■						
1966 - 1967	■	■	■					
1967 - 1968	■							
1968 - 1969	■	■	■					
1969 - 1970								
1970 - 1971								
1971 - 1972								

TABLE 7

ATHLETIC TOURS - LATIN AMERICA

	Number of Tours							
	1	2	3	4	5	6	7	8
1954 - 1955	■	■						
1955 - 1956	■							
1956 - 1957	■	■						
1957 - 1958								
1958 - 1959	■							
1959 - 1960								
1960 - 1961								
1961 - 1962	■							
1962 - 1963	■							
1963 - 1964	■							
1964 - 1965	■	■						
1965 - 1966	■	■	■	■	■			
1966 - 1967	■	■						
1967 - 1968	■	■	■	■	■			
1968 - 1969	■	■	■					
1969 - 1970								
1970 - 1971	■							
1971 - 1972	■							

TABLE 8

ATHLETIC TOURS - NEAR EAST / SOUTH ASIA

	Number of Tours							
	1	2	3	4	5	6	7	8
1954 - 1955								
1955 - 1956	■	■	■	■	■	■		
1956 - 1957	■	■						
1957 - 1958	■	■	■	■				
1958 - 1959	■	■						
1959 - 1960	■							
1960 - 1961	■	■	■					
1961 - 1962	■	■	■					
1962 - 1963	■	■	■					
1963 - 1964	■	■						
1964 - 1965	■	■						
1965 - 1966	■	■	■	■	■			
1966 - 1967	■	■	■	■	■			
1967 - 1968	■	■						
1968 - 1969	■	■	■					
1969 - 1970								
1970 - 1971								
1971 - 1972	■							

Except for Eastern Europe, most of the other areas which the 1965 report advised to be emphasized were emphasized accordingly. The report outlined the susceptibility of Africa to sport and sport exchanges, and, as a consequence, this area received the greatest emphasis in the following year. Likewise, a reduction of exchanges occurred in areas in which the report noted that inroads would be difficult to make. The most notable example here was Western Europe. Thus, it does seem that the Department of State was at least partially influenced by the Interagency's 1965 report.

Athletic exchanges by 1967 roughly accounted for 10 percent of the annual cultural presentations budget, while 27 percent of the funds for the Department's American Specialists Program (later changed to STAGS--Short-Term American Grantees) went to sending athletic coaches and individual athletes overseas.[125] The program at this time was funded at its highest level and was running smoothly as is seen in this 1967 report to Congress:

> In the conduct of our foreign affairs, sports and physical education are effective instruments in presenting the U.S. image abroad, in improving communications within the international community (particularly the younger generation) and in helping other nations improve the physical well-being of their societies. To accomplish these ends the athletic programs of the Department of State comprise a threefold operation. First, specialists are sent, upon request, to other countries to aid them in the development of their sports and physical education programs. Second, foreign specialists are brought to the United States for educational and training purposes. Third, teams and groups are sponsored on tours to exhibit, demonstrate, or compete as a part of the Department's Cultural Presentation Program.[126]

The programs themselves during this period varied, according to the area visited. For example:

> In the more industrialized regions of the world athletic presentations units are normally involved in exhibitions and

> competitions, whereas in the developing areas emphasis is placed upon training and development of foreign athletes, coaches, administrators, and youth groups. In the latter cases demonstrations, clinics, workshops and similar activities have proved especially productive.[127]

Of significant impact on many countries were the number of coaches and physical education specialists sent upon request. For example, in fiscal years 1964 through 1969 forty-eight specialists received partial or full grants to visit some twenty countries in Central and South America, plus Mexico. In addition, ten United States coaches were sent between 1966 and 1968 to help train Mexican athletes.[128]

> The Embassy reported that the U.S. coaches registered outstanding successes in training Mexican athletes and that there was widespread belief in Mexico that our coaches contributed significantly to the showing by Mexican athletes in the Olympic Games.[129]

After 1967 a noticeable drop occurred in the number of exchanges operated by the State Department and in State Department-sponsored tours, due directly to reductions in funding.[130] As the director of International Athletics Programs described it: "The period from 1967-1971 was a dormant, indecisive period where the program had a low profile and thus stood relatively still."[131]

Harris/Ragan Management Report

In 1971 another study was published, known as the Harris/Ragan Management Report, which was undertaken to see how the Department of State could maximize the effects of the sports exchange program of the Bureau of Educational and Cultural Affairs. Unlike the one undertaken in 1965, this report was conducted by a private management corporation outside sport. In the study forty-four individuals, ranging from sports administrators, observers, commentators and participants to government administrators, were approached on the topic of sports exchanges. The results of the report indicated that sport had largely been ignored by the Department of State, probably due to certain stereotypes associated with it, chief among which was the belief that sports were said by many to have a negligible impact on international relations, that they were too ephemeral and would lose their purity if they were tied more closely to United States international interests and the belief that they appealed generally to baser tastes.[132] The impression gained by the researchers, however, was much different.

> . . . the evidence gathered in the course of this study suggests that these are erroneous impressions. Sports can be employed as a consistent and potentially useful factor in the planning and implementation of U.S. foreign policy.[133]

Citing that each country was different in its appeal for sport, with some totally unaffected by it, the report went on in a convincing manner as to sport's importance:

> Whatever the ends served by international sports activity, there is little doubt that sports have almost universal appeal. Appreciate it or not, understand it or not, sports are said to be read and discussed more knowledgeably by more people than almost any other single subject.[134]

The report then suggested that three potential options were available to the Department of State: one was for the Department of State to act as a facilitator, another the promoter, and the third as a programmer of sport.

As a facilitator, the program was to remain basically as it was, playing an insignificant role in international sports. The Department of State would continue to aid American teams wishing to tour abroad, fill the requests of foreign embassies for coaches and athletes, or accept and help establish an itinerary for any foreign sports visitor.

> It is a reactive and non-directive approach and has had notable success. Even if the Department of State rejects a more expansive role in international sports, the facilitator role is valuable and, with improvement, should be continued.[135]

Suggestions also were offered for improving the State Department's role as facilitator. It was suggested that the department concentrate on STAGS in order to maximize exposure and opportunities for contact, that it should cease rendering endorsements for tours that the State Department did not financially support, and that seed money be provided to groups instead of paying the entire cost of a sport tour, which in turn would increase the number of tours offered. It was also felt that sport tours should concentrate on American sports, especially swimming, track and field, and basketball.[136]

Two additional suggestions were made, both of which pertained mainly to Africa and Eastern Europe.

> Geography: the Department should concentrate on Africa and Eastern Europe where sports are an integral part of our cultural affairs program. . . . Program Content: In Africa, competitions between American and African teams should be minimized in favor of exhibitions, demonstrations, and clinics. . . . No one likes losing. Eastern Europeans, on the other hand, might only be satisfied with competitive action.[137]

Thus, to continue in the role of the facilitator would mean that the State Department would maintain the program at its present level with a few changes.

The report went on to say that if the Department of State felt that the recent American setbacks in international competition, its failure to obtain the 1976 Summer Olympics, and the ongoing NCAA-AAU squabble were counterproductive to promoting mutual understanding and peace, then perhaps the State Department should become an active promoter of United States participation in international sports. This role would require much more money to subsidize United States athletic participation in international competitions and numerous other programs. It would also require that United States sport organizations be represented before foreign governments and other international organizations, that it sponsor and endorse specific activities promoting United States strength in international sports, and become a coordinator and mediator between sporting organizations.

> If you decide to become a Promoter, you need to determine what most effectively promotes U.S. participation in international sports, and how the Department can best contribute to it; and you need the commitment of U.S. sports groups and the Congress in this role.[138]

Finally, if the department chose the role of a programmer, the Bureau of Educational and Cultural Affairs would have to act as the coordinator of the State Department and the private sector in packaging sports activities, meeting a defined United States national need in specific countries.[139]

> If you decide to become a Programmer, you need the understanding of policy and program planners in the Department of State to consider fully the potential role of sports activities in the achievement of foreign policy objectives.[140]

Summing up all three programs, the report stated that the facilitator and promoter roles placed the emphasis on sports as an important field of endeavor and a significant part of life requiring the department to largely serve sports, whereas the programmer role would use sports activities as they existed rather than foster them in new areas.[141]

The report concluded by leaving the final decision entirely up up to the State Department, without giving endorsement to any course of action.[142]

The Harris/Ragan report was sent to the various foreign post directors throughout the world and, as a result of the study and foreign-post feedback, the facilitator program for the most part was maintained and continued to be the major emphasis in the State Department's athletic program through 1973.[143]

State Department Conferences

One noticeable change in the State Department athletic program was the increased involvement by the International Athletic Programs Division in organizing conferences with the private sector on sport and the emphasis away from attempting to influence countries along Cold War lines to the idea of mutual international understanding through sport. In December of 1971 the Bureau of Educational and Cultural Affairs Advisory Panel on International Athletics recommended that a conference take place between representatives of national amateur athletic associations and other organizations having programs in international athletics.

> The Panel believed that a conference of this kind should be convened for the purpose of exploring how the private sector and the government working together might increase international understanding through sports.[144]

On May 22, 1972 twenty-eight representatives from twenty national athletic associations and other organizations in international athletics met for a round-table conference of the State Department in Washington, D.C. At the conference a variety of topics were discussed. Chief among these were the organization programs and interests of the participants, opportunities and needs overseas, and increasing the range of athletic exchanges. At the conference it was disclosed that in preparing for the discussion on opportunities and needs overseas, the State Department had conducted another survey with its overseas posts, much like the one done in 1965 by the Interagency Committee on International Athletics.

> Responses to these queries . . . were unanimously enthusiastic about the contribution to international cooperation and understanding that is established through athletic exchanges. They promote friendship, bring about increased knowledge of other nations and peoples, open up new contacts and generally lead to greater appreciation of one people by another.[145]

A list of each nation's sport interests had been tabulated for the conference, and some general suggestions about the International Athletic Exchange Program were formulated, such as making small supplementary grants to cover the costs of visiting an area or country not originally included in the travel plans of privately sponsored teams and reciprocal exchanges so the United States would profit from knowledge in unfamiliar fields such as soccer. By and large, the conference was mainly a brain-storming session with different views taken on a variety of issues. For example, on the topic of federal aid to sport, some of the participants failed to take any interest in seeking governmental funding for athletes while others deemed such funding essential despite the long tradition to the contrary in the United States.[146]

This was not the last conference sponsored by the State Department during this period. In December of 1973 another conference was convened in which twelve outstanding American scholars, representing such disciplines as political science, law, physical education, sports psychology, philosophy, communication, black cultural studies, international or intercultural relations, developmental psychology, and social psychology, took part. They met in Washington, D.C. for a one-day symposium to discuss issues surrounding sport competition and other mediums of sport as means for enhancing international relations, and to identify and discuss possible activities that might be promoted in academic or program-development oriented organizations to gain optimum value from international sport involvement.[147] Using again a brain-storming approach, various topics were discussed, chief among which were the types of sports mediums to be used and their potential impact on international relations; organization, management and the funding process for international exchanges; public affairs and the media; and behavioral and social science involvement in the program.[148] Activities were suggested which could be pursued by the academic community or by organizations geared for program development to increase mutual understanding between nations and to improve international relations through sport mediums. These included exchanges, research and activities in direct support of exchange of athletes.[149]

Throughout the symposium numerous ideas and suggestions were forthcoming which had great implications for the program, although a great many of these suggestions had already been put into operation before the symposium was convened. Sport had been used as a vehicle to foster international friendship between two unfriendly powers in 1972 when President Nixon accepted an invitation for U.S. table tennis players to tour the People's Republic of China. This was the so-called "Ping Pong Diplomacy" which, after the invitation was accepted, did not involve the federal government to any further extent as the tour was organized and paid for by a private table tennis organization.

In 1973 the International Athletics Programs Branch of the State Department did take an active role in amateur athletics when it became embroiled in a confrontation with the Amateur Athletic Union over the invitation of American swimmers to tour the People's Republic of China, an action which marked a definite change from the past. As a member of the International Aquatics governing body (FINA), the AAU was required to take action against swimmers and coaches going on the tour because the People's Republic of China was not a member of the international body. As a result, the first coach of the team was forced to resign and any swimmer wishing to participate was threatened by suspension from the AAU.

Fearing a possible affront to the Chinese, since the invitation had already been accepted, the State Department organized the tour rather than allowing the AAU to do so. Swimmers on the tour allowed their AAU membership to expire. The tour was quite successful, due mostly to the fact that no direct inter-nation competition was involved. Rather, the State Department implemented the policy of only giving demonstrations and coaching clinics, mainly with the idea of fomenting friendship and understanding. Upon their return the athletes and team officials were greeted with notices of AAU suspensions, which prompted Senator Pearson to admonish the two governing organizations:

> I find this arbitrary action by the AAU and FINA not only deplorable but incredible. These organizations have attempted to usurp the authority of the U.S. Government to conduct foreign policy. They have punished athletes, including six Olympic medalists and three members of the board of the U.S. Olympic Committee, for their participation in a program designed to achieve an important foreign policy objective.[150]

By the end of 1973 the International Athletics Programs branch of the Bureau of Educational and Cultural Affairs had directed their program toward three objectives: (1) the teaching team concept where sports teams of two to fifteen people were sent to a particular country to address unique problems in sports development; (2) the providing of seed money to sports organizations which, if unaided, would not have the means to extend their involvement into the international arena; and (3) the assistance to groups conducting projects totally funded from the private sector.[151]

Additionally, the department also facilitated sports fund raising by endorsing a sports group wishing to travel overseas at their own expense. By the end of 1973 the future plans of the department were to emphasize more activities in a less competitive atmosphere, feeling that the end result of fostering good will and understanding between countries could be much better achieved than by intense competition.[152] As a result, the department's presentations were projected to consist more and more of teaching activities in the area of track and field, swimming, diving and gymnastics, a far cry from the early days of the program during the initial phase of the Cold War.[153] The Deputy Assistant Secretary of State for Educational and Cultural Affairs best summed up the change in policy and direction: "Our interest is in furthering international mutual understanding and communication through sports."[154]

Peace Corps and People-to-People Sports Committee

Two additional programs which concerned overseas sports exchanges must be mentioned when discussing federal programs involving the use of sport for American interests or foreign policy objectives. One was the use of sport by the Peace Corps (a direct federally funded program) and the other was a private organization known as the People to People Sports Committee which, although it was not a federal program, was given federal encouragement and executive backing.

Established by Executive Order 10924 on March 1, 1961, the Peace Corps was a pool of trained men and women, particularly schooled in the areas of health, education, agriculture and skilled labor, who were sent to aid various foreign countries who requested their aid. Originally, the only sport-affiliated part of the overseas program took place within the various schools in which Peace Corpsmen found themselves teaching. Sport oftentimes was a secondary activity and an additional part of a worker's job.[155] In many cases such instructors were physical educators who were trained for the program by the American Association for Health, Physical Education and Recreation (AAHPER), which had a contractual agreement with the Peace Corps since the organization's creation in 1961. Many countries, especially the emerging countries in Africa, began to request specific coaches to train their national teams. In such cases a specialist from inside the program was provided and, with the help of AAHPER, an advertising campaign was enacted to bring more of this type of specialist into the program.[156] An example of this campaign is typified by a mid-1960s poster which read:

> PHYSICAL EDUCATORS
> ATHLETIC COACHES
>
> Your skills are needed in developing nations around the world. . . . Those interested in helping to develop, expand, and strengthen physical education and athletic programs in other lands have an opportunity to use their special skills in the AAHPER Peace Corps Projects. All levels of professional ability can be utilized. Assignments include instructing in secondary and university physical education programs and coaching of club, regional, and national athletic teams.[157]

While a Peace Corps assignment usually meant two years in the field, in some cases there were coaching specialists assigned for an unusual one-year assignment.[158] This was the exception rather than the rule in that the majority of sport coaching was done by physical educators. A change took place in 1969 when the Peace Corps began to train a special group of nineteen coaching specialists whose only job was to coach in schools, clubs or national teams.[159] From this evolved a permanent program known by many as the "Sports Corps."

In the early 1970s Bill Toomey, Olympic decathlon champion and world record holder, was sent by the Peace Corps to Venezuela, Ghana, Honduras, Ethiopia and Kenya to test out the idea of the so-called "Sports Corps."[160] Toomey found the countries he visited responsive to the idea and a second tour--this time to nineteen Asian countries--was organized, where the idea met with similar approval. As a result, the program begun in 1969 continued. By 1972, 283 American coaches were serving in twenty-five countries, and fifteen national teams were being coached by these Americans at the 1972 Olympics.[161]

Throughout the program sport was used as an important adjunct by the Peace Corps, which in itself was an important means by which the United States gained entry into foreign countries: " . . . we are one of the few Arms of the Peace Corps that is immediately accepted and appreciated by all countries. And with no suspicion and more of that Big Brotherism."[162] While it did play a significant role, the importance of sport should not be exaggerated, for within the Peace Corps structure the priority of sport programs was not high. Services such as food supply and health understandably came first.[163] Small or not, sport did play a part within the total Peace Corps program, which was in turn one aspect of American foreign policy.

The other organization which should be mentioned in the area of the use of sport for American interests or foreign policy objectives was a nongovernmental agency known as the People-to-People Sports Committee. This organization was one of forty-one committees of the People-to-People Foundation, an organization whose creation was stimulated by President Eisenhower. In 1956 Eisenhower called a People-to-People Conference which he hoped would lead to an organization which would help to create a climate in which governments could work more effectively for peace.[164]

Throughout the years the foundation has had as its honorary chairman the President of the United States, thereby adding a sense of importance to its actions. Although outside government auspices, it indirectly was linked to the federal government by such endorsements and the support of Washington,[165] and in many ways was a propaganda tool for the United States at the nongovernmental level. In 1968 it almost became directly involved with the federal government when Congressman Dooley introduced H. Res. 11252 to amend the International Cultural Exchange and Trade Fair Participation Act of 1956 by providing for exchanges of athletes. Dooley's bill called for the authorization of two million dollars so the program could be expended by the President through the People-to-People Sports Committee. Obviously, some close links had already been established with the federal government.

Some of the activities envisioned by the Sports Committee in the early years of the program were to function as a liaison and organizer in promoting sport exchanges between the United States and other countries, and to act as a domestic and international clearinghouse for information on American sport.[166]

By 1968 the organization was well established and recognized, and its efforts lauded, even in Congress:

> Mr. Speaker, today I would like to commend an organization that is making a major contribution to our society. . . . Its program utilizes the universal interest in sports and the understanding of good sportsmanship as a base from which to begin. It is truly the American people's program, not a commercial organization for profit or a Government-sponsored agency, although it has the support of official Washington. The committee cooperates with existing sports organizations. It encourages those which have no international exchange program to launch one. It stimulates those which have one to expand it. It provides funds and other types of assistance to them. It brings into the international sports exchange movement delegations drawn from schools, clubs, colleges, and universities, both amateur and professional. It cooperates closely with governmental agencies both domestic and foreign.[167]

In addition to sport exchanges, the committee operated hospitality centers for athletes and officials from numerous nations at the 1960 and 1964 Olympic games, and the 1963 and 1967 Pan-American games.[168] It also distributed what was known as sport kits to the young people in the emerging countries of the world and to Peace Corps volunteers at no cost. Each kit contained equipment to pursue one particular sport, which was customarily presented by the United States ambassador in that country.[169]

By the end of 1971 the Sports Committee had programmed twenty-four major sports exchanges involving fifty different countries in activities ranging from sailing to golf. Upon the advice of President Nixon in 1972, the committee became especially interested in including exchanges and competitions with Communist countries.[170]

Thus, what had begun early in the 1950s as a haphazard program of international athletic exchanges had by 1973 expanded to include other areas within the State Department, most notably the Peace Corps, and even included exchanges with Communist countries whose own programs early in the 1950s had spurred American interest.

Endorsement and Aid for International Athletic Events

The final method utilized by the federal government during this period to promote American interests and foreign policy objectives was the granting of financial aid to international athletic contests held in the United States. As previously mentioned, the United States federal government had often endorsed various sport-related subjects by designating certain days or weeks in recognition of a specific sport. In addition, numerous resolutions had been passed in Congress, which were notices of support inviting the International Olympic Committee to hold the Games in the United States. However, very little funding was ever supplied for such undertakings. In 1956 efforts to hold the Games in the United States were finally successful when the International Olympic Committee designated Squaw Valley, California, as the host city for the 1960 Winter Olympics. This action was to change the passively supportive role of the federal government as entrepreneurs used the previously passed congressional resolutions of support for holding the Games in the United States as a lever to pry open the coffers of the federal government, not only for the 1960 Olympics but also for other American sponsored international athletic contests.

Preparation for the Squaw Valley Olympics had proceeded quite smoothly for the organizers by 1957. California state funds, which were eventually to reach the eight million dollar mark, had been forthcoming and even the State Department had helped by waiving the usual practice of fingerprinting the Olympic athletes.[171] A change occurred

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in 1958 when S. 3262, "to authorize certain activities by the armed forces in support of the VIII Olympic winter games, and for other purposes," came to the attention of Congress. Prior to this time the military had been used to support the transportation of the 1920 American Olympic team, and had aided the 1956 Olympic teams by providing air force transportation for an exhibition tour of the United States, had assisted in transporting the Olympic team to Melbourne, and had also provided training centers for several of the teams.[172] This request for aid was different. It asked for the aid of the armed forces at the Games to prepare courses, fields and rinks, mountain avalanche control, provide communications, lend necessary equipment, and other aid which would be deemed appropriate.[173]

Very little legislation, with the exception of the 1920 Olympics, had ever been passed in Congress which called for federal aid for the operation of the Olympic games or to assist American Olympic teams. This policy was to change. In a letter to the President of the Senate, the Secretary of Defense spelled out why military aid was necessary and also pressured Congress by emphasizing that it had invited the International Olympic Committee, implying that this invitation had meant financial aid:

> Because of the difficulties peculiar to staging winter games in such mountainous areas, military support is required. By the joint resolution of June 13, 1955, Chapter 138 (69 Stat. 131), the Congress invited the International Olympic Committee to hold the VIII Olympic Winter Games in Squaw Valley. This invitation was accepted and the United States has the responsibility of acting as host nation at those games.[174]

S. 3262 carried with it an appropriation of $500,000 to implement military aid. It also called for a $3.5 million appropriation to assist in the construction of a sports arena on federal land in

Squaw Valley for the games. This latter development was obviously a change in attitude from the past. In the Senate hearings on the bill, various government agencies were asked their opinions on the legislation which would, in reality, allow the federal government to build an athletic facility for the first time in the history of the country. The Comptroller General wrote:

> Whether public funds should be made available to private organizations for expenditure as is contemplated by section 2 of S. 3262 is a matter of policy peculiarly within the province of the Congress to decide. As a general rule we do not favor the enactment of this type of legislation, since private organizations (such as the organization committee) are not subject to the usual regulatory and prohibitory statutes governing the expenditure of public funds as in the case of Government agencies. However, in view of the unusual circumstances present here, we have no objection to the instant bill although we do feel that it might be modified and clarified to some extent.[175]

The Assistant Secretary of Defense for Manpower Personnel and Reserves, as spokesman for the executive branch, stated:

> Speaking for the executive branch of the Government, we believe that, since the United States will be the host nation, this opportunity of having in our country so many youth athletes and newspaper people from other nations will return large dividends through the opportunity it will afford to have them see and learn, at first hand, democracy in action. As you know, the President has taken special recognition of this matter by including a specific request in his 1959 budget message. . . . This coupled with the fact that our country has extended an official invitation to the participating nations, leads us to believe that this is a most worthy undertaking.[176]

In its report on the bill, the Committee on Armed Services recommended passage of S. 3262 and bolstered its argument for approval by including the previous letter from the Comptroller General together with an influential letter from the State Department:

> The Department of State believes the holding of the VIII Olympic Winter Games in this country can make a significant contribution to our foreign policy objectives. It is of the utmost importance that the United States perform its function

> as host in an exemplary manner, and we are pleased that the Department of Defense is prepared to participate as authorized in S. 3262. The Department hopes that the Congress will act favorably on the legislation.[177]

With surprisingly little opposition, the bill was passed in the Senate and moved on to the House where discussion was centered on the belief that Congress had a duty to provide facilities because an invitation had been extended.[178]

In attempting to persuade the Subcommittee of the Committee on Appropriations, the executive director and general secretary of the Organizing Committee for the Games emphasized at the House hearings what other governments had done to support the Olympics when held in their countries.

> The practice in other countries, while it certainly does not have to govern our actions, does necessarily point up the fact that without some assistance from the Federal Government our own country is at a serious disadvantage in making the proper showing and providing the proper hospitality.[179]

The House hearings did not run as smoothly as those of the Senate. Some congressmen attacked what they felt was a setup.

> In other words, when the Government agreed to join in the invitation, that is when it got itself hooked for seeing that it succeeded. Even if it takes twice this many millions before you get through, you will be in here asking for it, will you not, on the ground that we extended the invitation and we must run it properly. You will be in here asking for it, even if it doubles the amount.[180]

Except for a few verbal blasts in this manner, opposition to S. 3262 was minimal and the Committee on Armed Services recommended its passage.

> By the joint resolution of June 13, 1955, Chapter 138 (69 Stat. 131), the Congress invited the International Olympic Committee to hold the VIII Olympic Winter Games in Squaw Valley. This invitation was accepted and the United States has the responsibility for acting as host nation at those games.[181]

S. 3262 was passed by the House and became Pub. Law 365 on April 3, 1958.

But the issue was not dead. In 1959 an additional $400,000 was requested within the defense budget to supplement the original four million dollars appropriated in 1958. Passage of the appropriation probably would have been relatively easy if a misunderstanding concerning the representation of China at the Squaw Valley Olympics had not arisen. Although not a member of the International Olympic Committee, the People's Republic of China had protested to the International Olympic Committee that only one Olympic Committee was entitled to represent the athletes of all China and that representative should be from the People's Republic. On the other hand, the Republic of China (Taiwan), a member of the IOC, maintained that they were the representative organization for all China.

> The problem as seen by the International Olympic Committee could be resolved by using geographic rather than political designations. Instead of using the name Olympic Committee of the Republic of China, they decided it would be better to recognize this group as the Olympic Committee of Taiwan.[182]

Opposition exploded in the United States. This was viewed as another ideological confrontation of the Cold War and such remarks as the following by Congressman Dorn were not uncommon.

> Avery Brundage, president of the committee, in condoning the action states that Nationalist China "no longer represents sports in the entire country of China." . . . In view of Mr. Brundage's statement and attitudes, he should resign as president of the committee, for he, in turn, no longer represents sports in the United States. Instead, he chooses to defeat the end of sports, and in so doing, injures the U.S. foreign policy and our national interest. It is time the United States stopped dancing to the Soviet tune in the field of sports, as it has done elsewhere. We should walk out of the Olympics if this ruling prevails.[183]

That Brundage might not represent the interests of the United States as president of the IOC appeared to matter little to Congress as a resolution was introduced:

> That it is the sense of the Congress that the expulsion of the Republic of China from the International Olympic Committee should be canceled forthwith; that the Republic of China should be permitted to retain its membership on the International Olympic Committee; and that the Red Chinese should not be permitted to hold membership on such Committee.[184]

Further, statements were issued on the topic by the State Department:

> The decision of the International Olympic Committee to expel the athletes from the Republic of China is a clear act of political discrimination.[185]
>
> This is a political not an athletic issue. Furthermore, this majority action of the Committee was taken under pressure by a small group of Communist countries which are systematically trying to exclude free China from representation in international organizations of all kinds. It is on this basis that the Department has expressed and is expressing its repugnance for the action.[186]

When the $400,000 additional appropriation for the Squaw Valley Games came before the House, Congressman Laird seized the opportunity and offered an amendment to the appropriation which provided that the funds would not be available for support of any international game or events in which participation was denied any of the free countries of the world.

> It does not seem to me that the U.S. taxpayer's dollars should be used for support of the winter Olympic games if representatives of the Republic of China, by the action of the International Olympics Committee, are barred from participation in these games.[187]

Laird's amendment met with the approval of a majority of the members of the House, and the requested appropriation with the amendment went to the Senate for approval. Lost amidst the Cold War rhetoric were the seemingly unheard words of Congressman Gross, who normally would have been voicing a majority congressional feeling:

> Mr. Chairman, in the argument over the amendment just offered, I think we are losing sight of the fact that this is nearly another half a million dollars in Federal funds to be

appropriated to the winter Olympic games in Squaw Valley, California.[188]

In the Senate the Laird amendment was deleted, possibly due to the revelation by the Squaw Valley organizers that Taiwan had been extended an invitation to the Games prior to the date the International Olympic Committee withdrew its recognition of the Chinese National Olympic Committee and the invitation had been accepted. Also, no invitation had been extended to the People's Republic of China because it was no longer a member of the International Olympic Committee. With this disclosure the Senate Internal Security Committee, which had started to investigate Communist infiltration into the Olympic games, ceased its investigation,[189] and the Senate voted for the appropriation, which, when combined with the original funding, was the largest federal appropriation ever spent on amateur athletics in the history of the United States.

Attempts to pass funding appropriations for the Pan-American games also met with success in the latter part of the 1950s, although earlier in the decade federal support consisted solely of verbal endorsement such as is exemplified in this 1951 letter from the State Department to Avery Brundage, president of the United States Olympic Committee:

> Dear Mr. Brundage: I am pleased to learn that the United States Olympic Committee is planning to enter a team in the Pan American Games to be held in Argentina in February, 1951. International sports events are excellent means of stimulating friendship and good will and I am sure that participation of a full-scale Olympic team by the United States in the Argentine Games will do much to bring the peoples of the Western Hemisphere more closely together.[190]

The theme, "Bringing the peoples of the western hemisphere more closely together," was the vehicle used by proponents of federal assistance to the Pan-American games of 1959 which were scheduled for Cleveland, Ohio. Attempts to gain federal assistance began in 1956 when three bills and one resolution were introduced in Congress, authorizing the appropriation of five million dollars to be spent for the purpose of promoting the games.[191] Backing the bills and working hand in hand with the Cleveland Pan-American Games Committee was the State Department, which made known its feelings on the usefulness of the games for American interests and the need for federal assistance.

> The games can make a long term contribution to our foreign policy objectives by creating a broader understanding of the United States, its people, its democratic way of life and our recognition of the importance of our good neighbors of this hemisphere. The undertaking merits appropriate support from the Federal Government.[192]

In addition, the State Department used its influence to sway the opinion of the House Committee on Foreign Affairs which was considering H. Res. 12033.

> This occasion will provide our country with an opportunity to further promote Pan-American friendship through the effective media of amateur sportsmanship. Our facilities, our hospitality and our treatment of the many visitors from abroad, both participants in the games and spectators, will be compared with that which was provided by Argentina and Mexico. It is important that this comparison not be to our discredit. Not only the foreigners coming to Cleveland, but the millions who will follow the games abroad by press, radio, and television will be apprised of the importance and attention our country gives these games. They can make a long-term contribution to our foreign policy objectives by creating a broader understanding of our country and people and our recognition of the importance of our good neighbors of this hemisphere. It is the position of the Department that this undertaking by the city of Cleveland to be host to the Pan-American Games in 1959 merits appropriate support from the Federal Government. It may be appropriate to point out that the National Governments of both Argentina and Mexico provided substantial financial support in the organization of the games in their capitols.[193]

In its report the House Foreign Affairs Committee unanimously recommended passage of H. Res. 12033.

On the floor of the House numerous congressmen advocated passage, but one congressman felt otherwise and resisted his fellow cohorts (who were in the majority) by cautioning:

> I think this bill would establish a dangerous precedent. If this bill were to pass, it would seem that all you have to do is invite some athletic team from some other country and then you could go to Uncle Sam and use that as a basis upon which to ask for a handout.[194]

On July 30, 1956, S.J. Res. 186 was signed into Pub. Law 833. It called for the appropriation of five million dollars for the III Pan-American games to be held in Columbus, Ohio in 1959. This appropriation was never to be used. In 1957 the appropriations committee struck out the appropriations after Cleveland withdrew its sponsorship of the games.

One year later the federal government was again approached to help fund the 1959 Pan-American games which had been transferred to Chicago. This time the bills (House Resolutions 13614 and 13343) called for an appropriation of $500,000. H. Res. 13614 was passed in the House, but was held up in the Senate until adjournment. In 1959 H. Res. 2575 and Senate Bill 493 were introduced, which were basically the same as the previous bills, calling for approximately half of the $500,000 to be used to reimburse the armed forces for transporting athletes to the games from the Latin American republics. The other half of the appropriation was to be used for partial payment of food and lodging for the athletes. In its report the House Foreign Affairs Committee, as it had done with the Cleveland Pan-American games appropriation, recommended that the bill be passed. They concluded:

> The Committee on Foreign Affairs believes that the success of the Pan-American games in Chicago this year will make a substantial contribution to the maintenance and improvement of friendly relations between the United States and other countries and territories in the Western Hemisphere.[195]

Congressmen again extolled the virtues of the bill on the House floor, as they had on the previous allocation to Cleveland:

> During the last year our public relations with the people of Latin America have worsened. We all are concerned by growing expressions of anti-American sentiments in countries of this Hemisphere where we wish to have, as indeed for our security we need to have, our best and truest of all friends. . . . An athlete, who is an idol in his own country, can be our very best ambassador of good will on his return and, as the sporting pages are so much more widely read than the editorial pages, we can be sure he will get his message over.[196]

> I can assure you that the investment we make today in these Pan-American games will yield dividends which could not be evaluated in terms of dollars and cents. This is a project that will strengthen the State Department's position in South America and will develop a greater respect by our South American friends for the United States.[197]

Nor was the rhetoric different when the bill passed the House and reached the floor of the Senate: "I should like to say that I cannot think of anything which will help promote general good relations with Latin America more than the taking of action to provide for these games."[198] With little opposition H. Res. 2575 was passed by Congress and approved by the President on April 27, 1959, becoming Pub. Law 15. This time the appropriations were spent, although public--not military--air transportation was used.

Arctic Winter Games

Attempts to obtain federal aid for international sporting events were not restricted solely to the Olympic or Pan-American games during this period. In 1971 legislation was introduced into Congress (S. 2988) to authorize the appropriation of $250,000 to assist in financing the Arctic Winter Games which were to be held in Alaska in 1974. Inaugurated in 1970 with the Northwest and Yukon territories of Canada and the State of Alaska acting as joint sponsors, the games were established to provide international competition for the northern state and the northern territories of Canada in modern and traditional sports. In 1970 and 1972 the games had been hosted by the Canadian Government and 1974 marked the first time the United States was to be host.

Little action on S. 2988 was received in 1971; in 1972 it passed the Senate but failed to gain passage in the House. In 1973 three similar bills were introduced.[199] All called for an appropriation of $150,000, which was a reduction from the previous year. In pleading for passage, Senator Stevens played on the theme that the games fostered international brotherhood, not unlike that used by others before him when requesting funds for the Olympic and Pan-American games:

> I urge Congress to assist in funding this worthy event. Hopefully, as these games progress, they will expand to take in all northern countries and provide a forum for international peace and understanding between young people from throughout the Arctic and Subarctic.[200]

This time passage in both houses of Congress was successful, encountering little opposition, and S. 907 became Pub. Law 144. This was yet another example of direct federal involvement in sport to promote American interests, something unheard of prior to 1950.

1976 Denver Winter Olympics

The final instance of federal involvement in this area began in 1969 when Congress passed and the President signed into law (Pub. Law 191) S.J. Res. 131, which extended an invitation to the International

Olympic Committee to come and actively participate in the 1976 Olympic games if the games were chosen to be held in Los Angeles or Denver. In its report that year, the Committee on Foreign Relations made it absolutely clear that "no funds are authorized in Senate Joint Resolution 131 and it is not anticipated that a future request for funds will be forthcoming."[201]

Denver was designated host to the 1976 Winter Games in 1970, and in January of 1972 the House (H. Res. 787) and Senate (S. Res. 246) reaffirmed their support for the continued designation of Denver as the host city of the 1976 Winter Olympics while extending good wishes to the citizens of Japan and the participants at the 1972 Winter Olympic games in Japan. In the same year three bills were introduced into Congress "to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreational facilities in connection with the 1976 Winter Olympic Games."[202] Ambiguous as this definition was, what was more ambiguous was the fact that the authorization amount was blank in each bill. The cosponsor of one of the bills (S. 3531), Senator Allott, explained:

> This somewhat unusual form is utilized purposely for two reasons: first, there are many contingencies that, at the moment, exist and which if they materialize could substantially lessen the amount of federal participation needed and second, to preclude any prejudgment of need and to highlight our wish that after full hearings on this subject the respective Interior Committees of the House and Senate will insert an amount which is representative of proper federal participation.[203]

While the financial portion of the bill was ambiguous, the reasoning and purpose behind it were not.

Whereas other bills similar to it in the past had based their justification upon good will, now a new aspect was emphasized:

> Be it enacted . . . That the Congress has declared it to be desirable that all American people of present and future generations be assured adequate outdoor recreation resources; and declares that the XII International Winter Olympic Games which are to be held in the United States in 1976 are in furtherance of stimulating an awareness of outdoor recreation activities.[204]

Whether the Cold War had suddenly subsided, or the idea of international brotherhood had become unsalable, a new approach was taken to convince Congress of the need for financial assistance at the 1976 Winter Games. Extensive hearings began in the Senate in June of 1972 where it was disclosed that in addition to the funds which would be designated for S. 3531, additional funding had been applied for from the Department of Housing and Urban Development and the Forest Service. Also disclosed was the fact that there existed organized opposition to the games within the City of Denver, and that in November, 1972 a state-wide referendum would take place asking whether or not the public wanted to allow the use of state funds for the games. Opposition to the games centered around not only the increased cost to the taxpayers, but the impact of the games on the environment--a very popular issue at this time.

In August, 1972, citing the fact that Congress had invited the IOC to stage the games in the United States, and the fact that the event had been designated as an official bicentennial event by the American Revolution Bicentennial Commission, the Senate Committee on Interior and Insular Affairs reported out S. 3531 favorably.[205]

In explaining its decision to support the bill, the Committee played again on the new theme of providing recreation facilities plus the traditional message of brotherhood:

> Recognizing the need to create a still greater awareness of the need for physical fitness, the committee finds that the Olympic Games contribute to this awareness and this authorization will provide a greater supply of recreation facilities for this purpose. . . . As host for this event, the United States has the opportunity through the friendly competition of the Olympic games and via the medium of world-wide television coverage to advance brotherhood and international goodwill as well as promote good sportsmanship.[206]

There was one added provision to the bill, however, which was to prove crucial. The committee tied the allocation of federal funds for the games to the results of a vote on an amendment to be taken in Colorado in November of 1972 which, if adopted, would prohibit further expenditure of state funds for the Denver Olympic games.[207]

On September 15, 1972 the bill reached the floor of the Senate and during debate Senator John Tunney introduced and had passed an amendment calling for the creation of a national commission on the Olympic games which would evaluate the goals and administration of the Olympic games themselves, investigate the United States Olympic Committee, with particular attention to the procedures used in selection of team members, their management of training and preparation for the Olympics, plus their developmental programs: "Based on these findings, the Commission will submit a body of recommendations setting forth the manner in which the American Olympic effort may be continued most effectively.[208] This, of course, was merely a reaction to the 1972 Olympic games which were discussed previously.

While Tunney's amendment received virtually no opposition, the bill itself did as opposition senators who had done their homework struck out at its cost, which included not only the $15.5 million provided in the bill, but also Housing and Urban Development funds to be spent for housing and facilities for the press, a $4.6 million expenditure for the use of military personnel, and an additional expenditure by the Defense Department for equipment. Furthermore, it was estimated that the Department of Agriculture would have to spend $140,000 in connection with the issuance and administration of special use permits in public lands.[209] On September 15 the Senate voted 59 to 3 to leave the decision to the taxpayers of Colorado as to whether federal funding for the games would be forthcoming. Thus S. 3531 was passed.

Hearings were held in late September on the House version, H.R. 14597, but before a House vote could be taken, the taxpayers of Colorado made their decision. In November of 1972 they voted to deny state funding to the 1976 Denver Winter Olympics and, in the process, turned down the largest federal assistance grant to amateur athletics in the history of the United States. In spite of this setback the record for federal endorsement and aid for international athletic events during this period was very extensive when compared with the other periods under study. Very few proposals for federal funds to support international athletic events held in the United States were declined, and when this did occur, it was only when local authorities or citizens ceased support for the staging of such events.

Additional Events Promoting Foreign Policy Objectives

Two other unrelated actions pertaining to the promotion of American foreign policy objectives occurred in 1970 in the form of attempted legislation, but both were unsuccessful. In the House, two resolutions (H. Conc. Res. 505 and H. Res. 832) were introduced expressing the sense of Congress with respect to the participation of

South Africa in the Davis Cup International tennis competition because of apartheid policies. The other took place in the Senate and was a resolution (S. Res. 475) to have an appropriate service between halves of the Army-Navy football game on behalf of the prisoners of war and men missing in action in Southeast Asia.

Summary

Federal involvement in sport to promote American interests and foreign policy objectives was for the most part tied closely to the Cold War and greatly reflected national policy during this period. Beginning as a reaction to Soviet inroads made in athletics both on and off the field, the federal government's involvement in sport to combat these successes entailed three courses of action: the promotion and encouragement of American athletic successes internationally; the sponsoring of athletic exchanges, and financial aid in staging international athletic events.

Beginning with Soviet successes at the 1952 Olympic games, attempts were made throughout this period to have the federal government promote and encourage American international athletic success, especially when the United States faced possible defeat. With the exception of the creation of the Interagency Committee on International Athletics in 1963, all efforts fell on deaf ears even though it was acknowledged that some type of national foundation or program for amateur athletics was necessary for international success. The concept of a national foundation was never realized, due primarily to a decrease in the tensions of the Cold War, the preoccupation of the executive branch with international (Vietnam) and national (Watergate) affairs, and the perennial belief that sport was an area the federal government should refrain from entering.

Federal involvement was more evident in other areas, especially in the sponsoring of athletic exchanges and financial aid to stage international athletic events in the United States. Disorganized and piecemeal at first, by 1956 a permanent federal exchange agency had been established within the Department of State, with one branch created specifically to deal with athletic exchanges. Thus, sport was officially recognized and subsequently used as a political tool by the Department of State, with its direction eventually determined by periodic questionnaire results from foreign consular posts concerning its political effectiveness in that region.

Financial support to amateur athletics was directly forthcoming when it involved staging international athletic events, largely due to the prestige which events such as these brought and the possibility of building better relations with countries in its hemisphere.

With the advent of the 1970s all federal programs pertaining to athletics changed as a reduction in the tensions of the Cold War allowed new directions and attentions. The Athletic Cultural Exchange Program operated by the State Department was more and more aimed toward the concept of using sport to promote international understanding, with a decrease in tension building intense competition.

Change was also reflected in federal funding policies of international athletics events as appropriations were no longer justified solely on prestige and "one-upmanship," but upon the health and recreation benefits which such events could bring the public, and whether or not local citizenry even wanted such events.

Through it all the federal government demonstrated that an anachronism did exist in its policy toward involvement in sport. Whereas in the other areas pertaining to promotion and protection a total "hands off" approach was the rule, when American interests or the pursuit of American foreign policy entered into the picture, the old policy often was quickly reversed and the federal government became deeply involved in sport. This involvement, however, pertained only to exchange programs and financial aid in staging international athletic events and not to the promotion of American international athletic success. Just why the federal government failed to directly involve itself in this area is not known. Perhaps it was due to the fact that the other programs were tangible and results were quickly forthcoming, whereas the possibility of future American athletic success was subject to uncertainty. Likewise, federal reluctance may have been generated by the age-old fear that a precedent might be set which would be unretractable later. In any case, this should not overshadow the fact that involvement in sport to promote American interests and foreign policy objectives was one of the most active areas in which the federal government chose to involve itself during the eighty-five years which this study encompassed.

CHAPTER XIII

Footnotes

[1] Congressman Dewey Short, Address before the National Rifle Association, 82d annual convention, Congressional Record, Vol. 99, 83d Cong., 1st sess. (Washington, D.C.), 26 March 1953, p. A1862.

[2] Arthur Daley, "Sports of the Times," New York Times, 10 June 1952.

[3] Richard B. Walsh, "The Soviet Athlete in International Competition," U.S. Department of State Bulletin, 24 December 1951, pp. 107-10.

[4] Jeffrey Chase, "Politics and Nationalism in Sports: Soviet and American Government Involvement in Amateur Sports as an Aspect of the Cold War" (Masters thesis, San Jose State University, 1973), p. 80.

[5] Arthur Daley, op. cit.

[6] Congressman Philbin, Remarks, Congressional Record, Vol. 100, Part 10, 83d Cong., 2d sess., 1954, p. 13763.

[7] Avery Brundage, "I Must Admit Russian Athletes are Great," Saturday Evening Post, 30 April 1955.

[8] William Randolph Hearst, Jr., Speech before the National Press Club, Washington, D.C., 28 February 1955, audiotape (National Archives, Washington, D.C.).

[9] Arthur Daley, "Will the Soviet Union Sweep the Olympics?" American Legion, June 155, pp. 16, 53.

[10] Congressional Record, Vol. 101, 84th Cong., 1st sess., 1955, pp. 5169, 5907, 11213.

[11] Ibid., p. 8209.

[12] Ibid.

[13] Ibid.

[14] Ibid., p. 8210.

[15] U.S., Congress, S. Conc. Res. 78, 84th Cong. 2d sess., 1956.

[16] Congressman Feighan, Remarks, Congressional Record, Vol. 102, Part 3, 84th Cong., 2d sess.

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CHAPTER XIV

CONCLUSION

For the most part, American federal involvement in sport and physical education from 1888 to 1973 mirrored American society and rose and fell with shifts in the societal attitudes and circumstances of that period. Prior to the 1930s, federal involvement in sport and physical education was quite limited and reflected the long-standing attitude of protecting states rights from domination by the federal government and a belief in the concept of "the less government the better." This attitude shifted slightly when the United States became involved in a world war, seemingly one of the few instances of that period which justified federal involvement. The norm of a "hands off" approach relative to the private sector was modified greatly when the United States was threatened by the Depression in the 1930s, which allowed the federal government to enter into all segments of American society--sport included--and resulted for the first time in a shift to a more paternalistic view of the role of the federal government by the public.

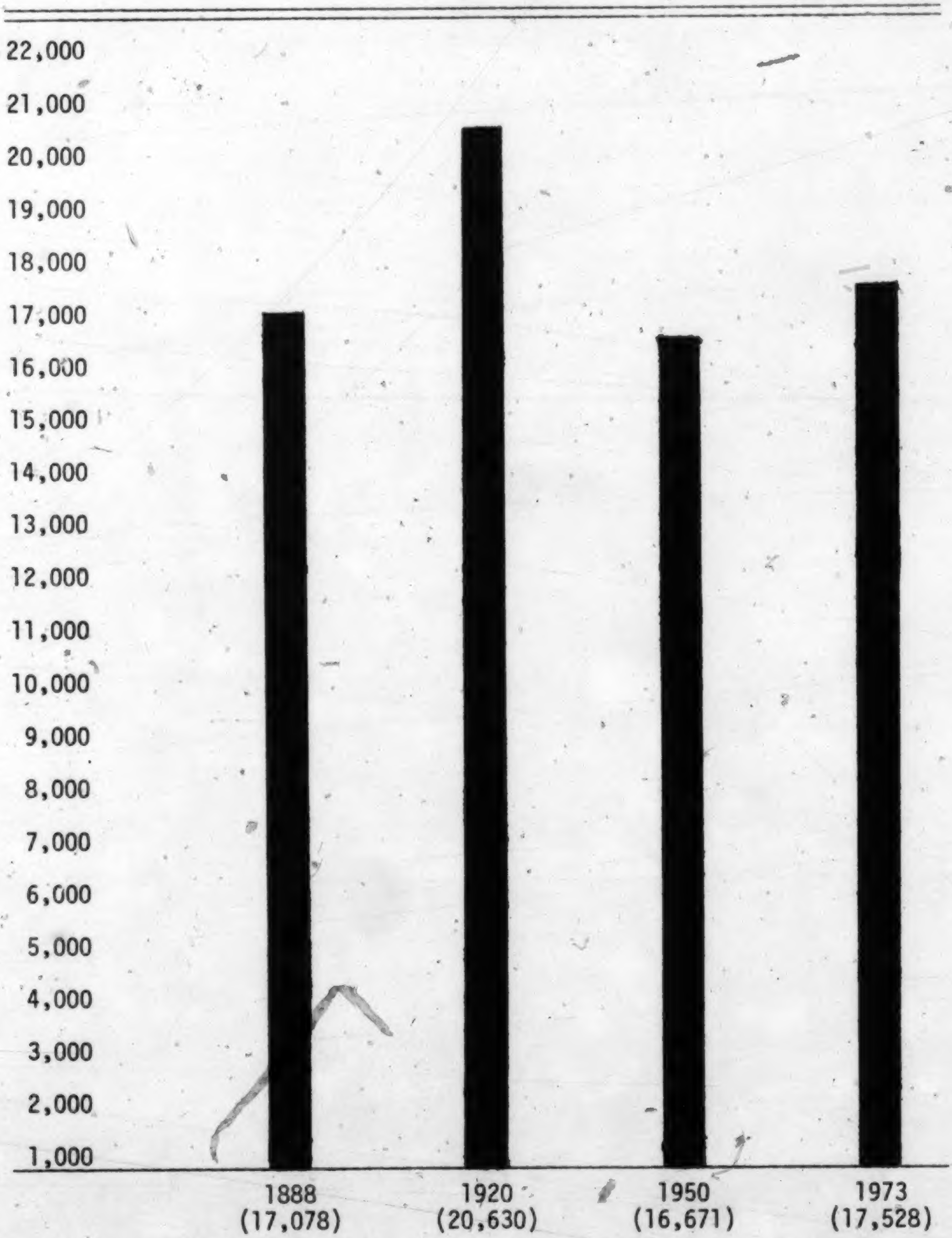
After the Depression, American societal attitudes toward federal involvement fluctuated between these two beliefs, never completely returning to the pre-1930 attitude which greatly excluded the federal government from the private sector. In 1941 Americans were once again thrust into a world conflict, a shift which resulted in a return to higher level federal involvement in many spheres of American society. Among these were sport and physical education, with a particular emphasis on physical fitness to promote the public's welfare. The termination of hostilities in 1945 brought with it an attempted slowdown of the expanding role of the federal government. By 1960 this attempt had largely failed as numerous federal agencies and laws were created which increased its role in the private sector.

While not new, federal involvement in sport for purposes of protection and promotion greatly increased from 1950 to 1973, particularly as it related to the public, the athlete, sport, and American interests. This culminated with sport becoming part of federal agencies concerned with physical fitness and foreign policy. This federal involvement in sport continued to expand during the decade of the sixties and into the early seventies, resulting in several instances of involvement in both amateur and professional sport, ranging from the support of summer sport programs for youth to attempts at establishing federal agencies to govern sport. It is significant to note that during the time span under examination, the total number of bills and resolutions introduced in Congress showed relatively little variance. Table 9, while not an exhaustive tally of the three periods, represents four key years within the time span under study. Tables 10 and 11 demonstrate the rather dramatic increase in the number of sport-related bills and resolutions introduced into Congress, and the number passed.

To say that this increase indicates legitimate federal involvement is premature, since such a conclusion depends to a great extent

TABLE 9

TOTAL NUMBER OF BILLS AND RESOLUTIONS INTRODUCED INTO CONGRESS*



*This should only be construed as an approximation.

TABLE 10

APPROXIMATE NUMBER OF SPORT-ORIENTED BILLS AND RESOLUTIONS INTRODUCED IN CONGRESS

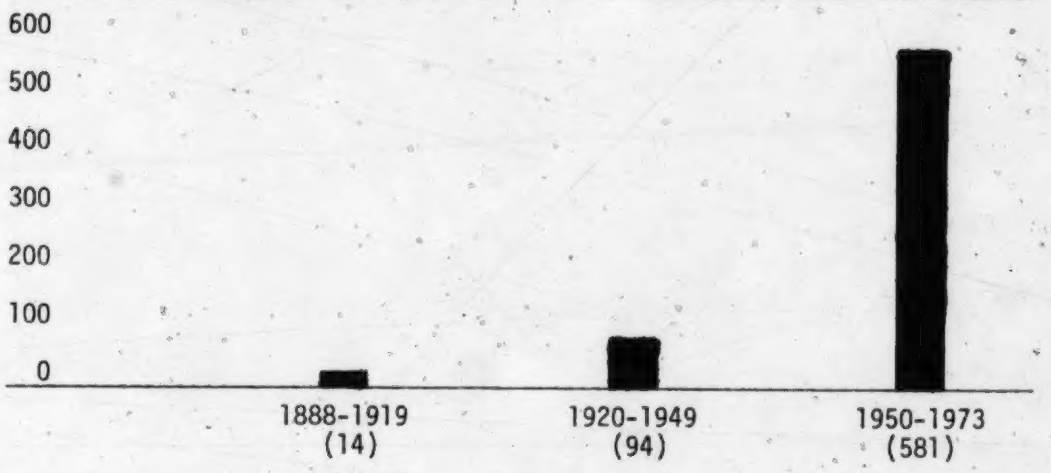
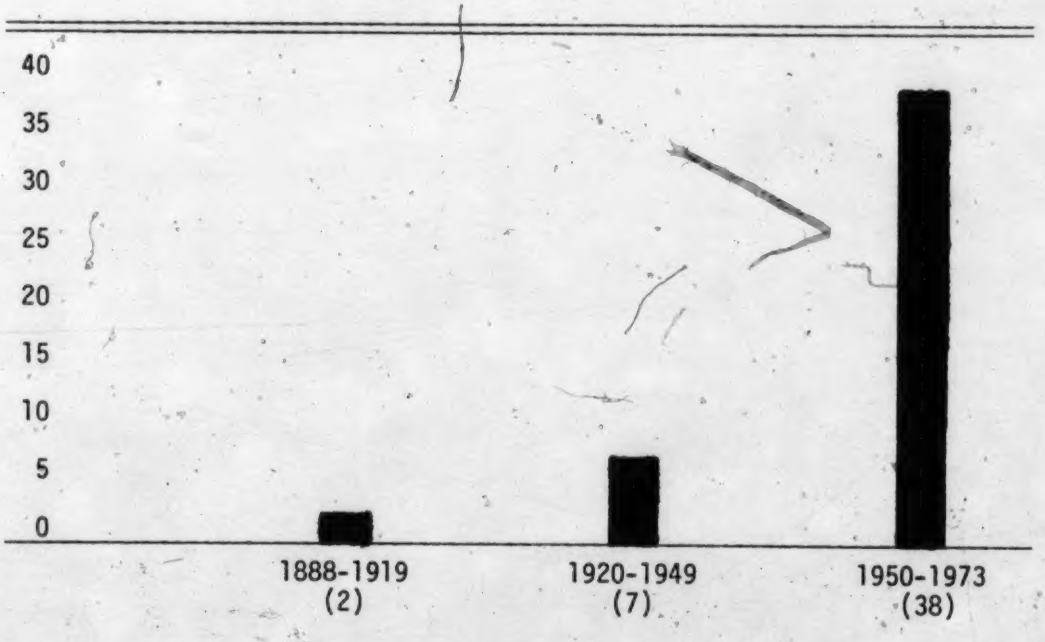


TABLE 11

APPROXIMATE NUMBER OF SPORT-ORIENTED BILLS AND RESOLUTIONS PASSED IN CONGRESS



on the motives (i.e. political, self-interest, the welfare of sport) of the individual sponsor of each piece of legislation. Nevertheless, the growth in attempted sport-related legislation was phenomenal.

A similar increase was also noted in the number of sport-oriented bills and resolutions which were successfully carried over the three time periods.

The greatest period of growth, with reference to new pieces of legislation and the number successfully passed into law, took place from 1950 to 1973. Significantly, this corresponds to the burgeoning growth of both amateur and professional sport programs, to the emergence of television as a mass communications media with associated high-priced advertising revenues, and to the emergence on the international scene of the sport teams of the U.S.S.R. The differences of political ideologies of the U.S.S.R. and the U.S., rightly or wrongly, were often inextricably interwoven into the fabric of amateur sport competitions and sport festivals. As a consequence, numerous bills and resolutions were put forward in order to ensure American athletes of at least a reasonably equitable basis for practice and competition with their Soviet counterparts.

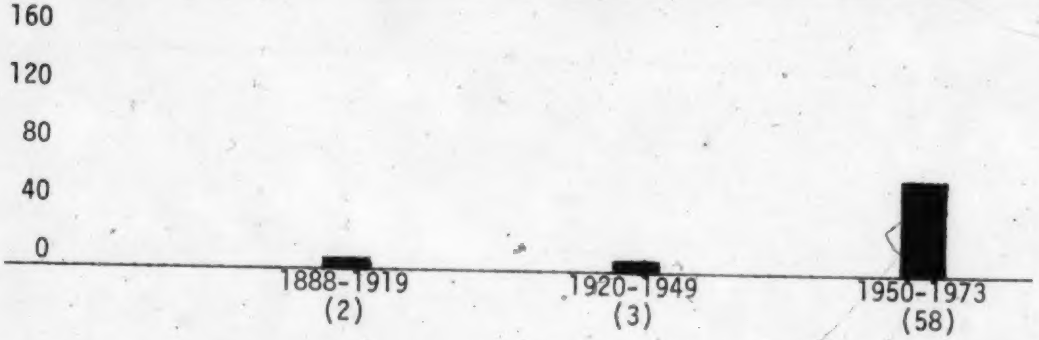
When attempted sport legislation is further broken down into the areas of protection and promotion (Table 12), the federal government, on the basis of numbers of pieces of legislation, was apparently more interested in the area of protection than in promotion (Table 13).

Breaking these areas of protection and promotion down even further, the greatest number of pieces of attempted legislation by Congress seemed to be to protect sport, and to promote sport for itself (Table 12).

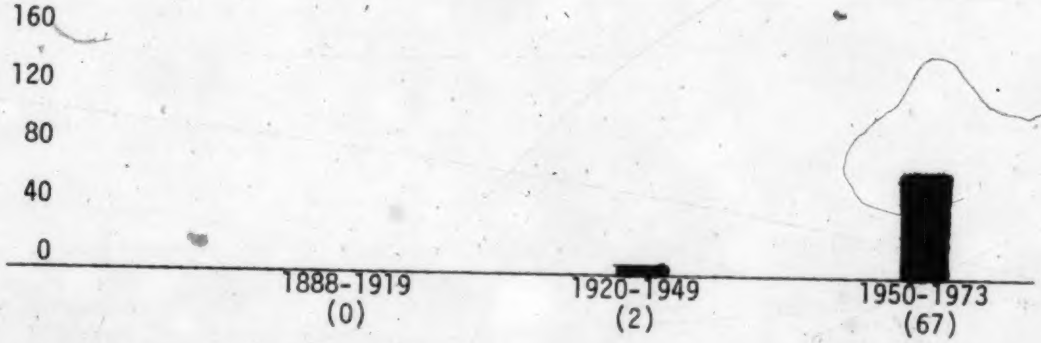
TABLE 12

ATTEMPTED SPORT LEGISLATION FOR PROTECTION AND PROMOTION

A. To Protect the Public



B. To Protect the Athlete



C. To Protect Sport

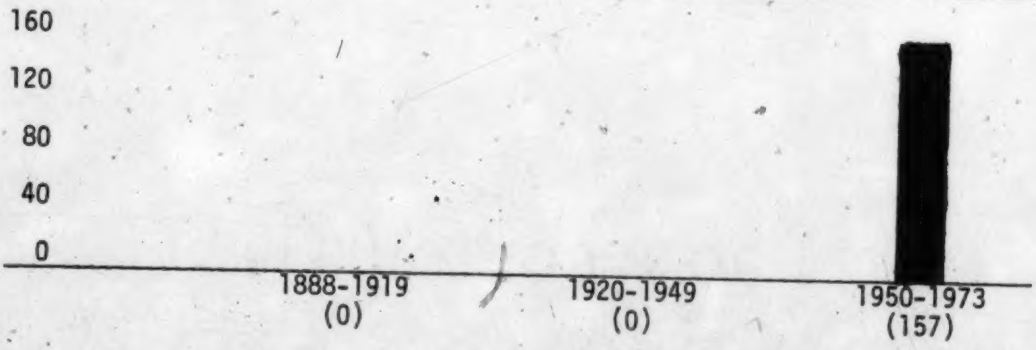
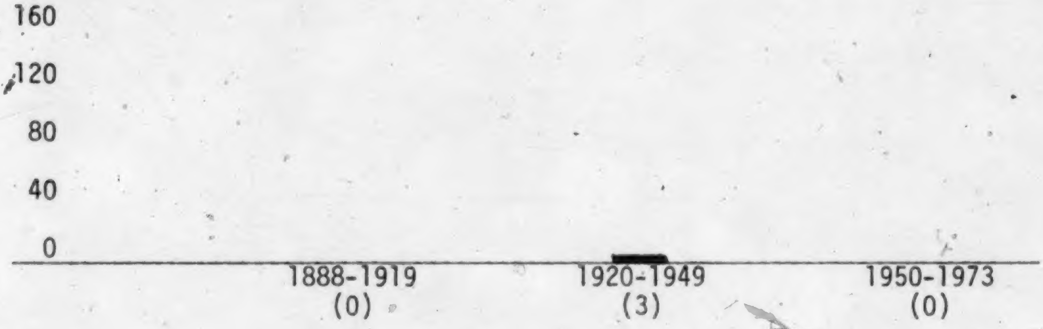
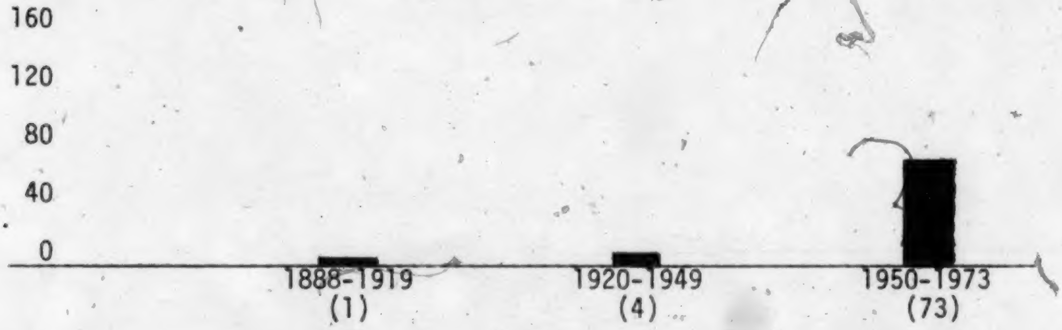


TABLE 12 (Continued)

D. To Protect the Public and Sport



E. To Protect the Public, the Athlete and Sport



F. To Protect the Public, the Athlete, Sport and American Interests

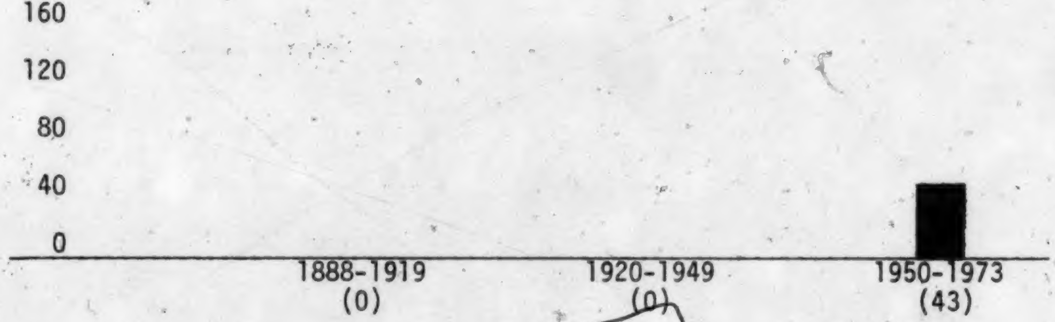
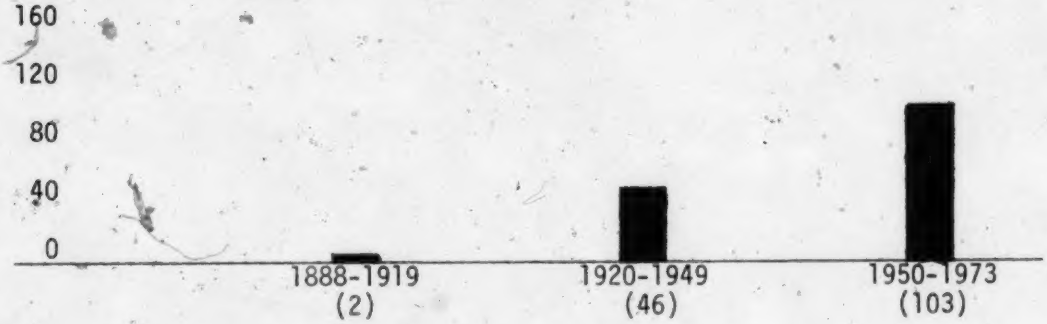
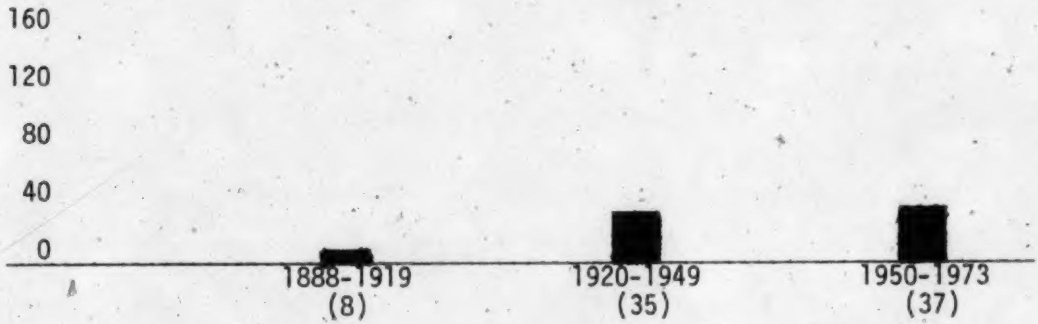


TABLE 12 (Continued)

G. To Promote Sport for Sport Itself



H. To Promote Sport for the Welfare of the Citizen



I. To Promote American Interests or Foreign Policy Objectives

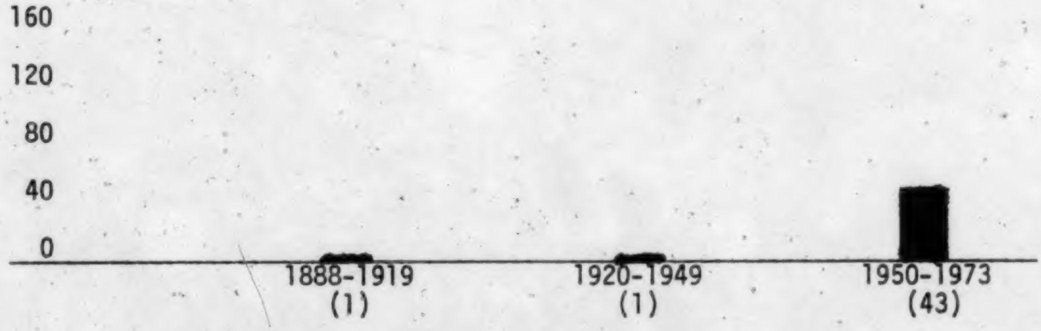


TABLE 13

BILLS AND RESOLUTIONS ATTEMPTED - 1888-1973

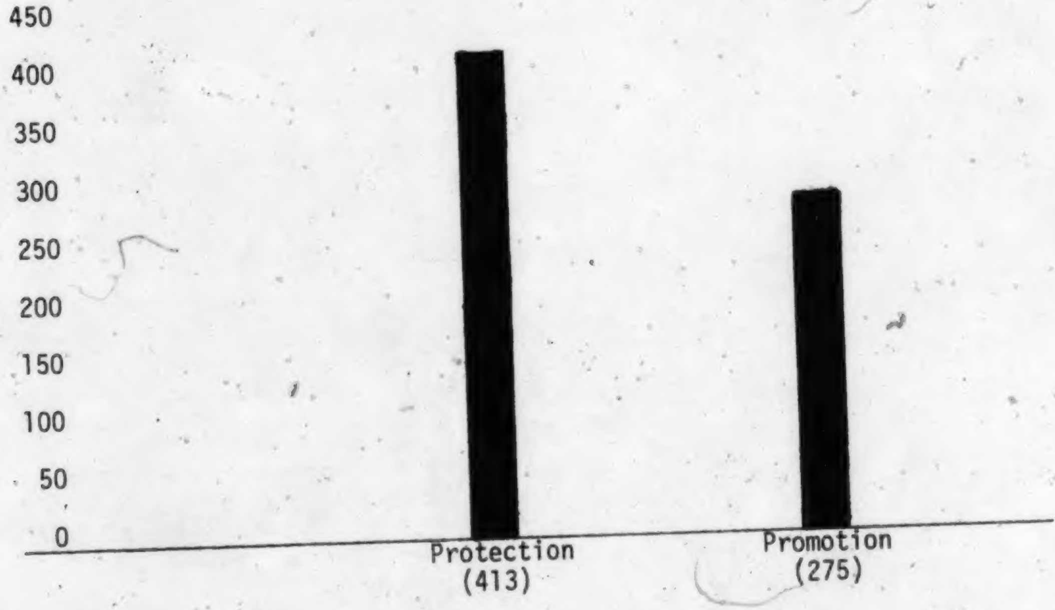
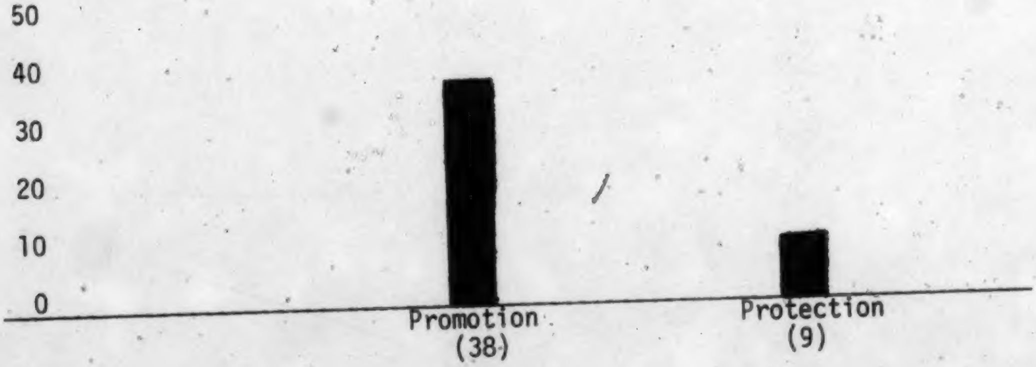


TABLE 14

SUCCESSFUL BILLS AND RESOLUTIONS FOR PURPOSES OF PROMOTION AND PROTECTION - 1888-1973

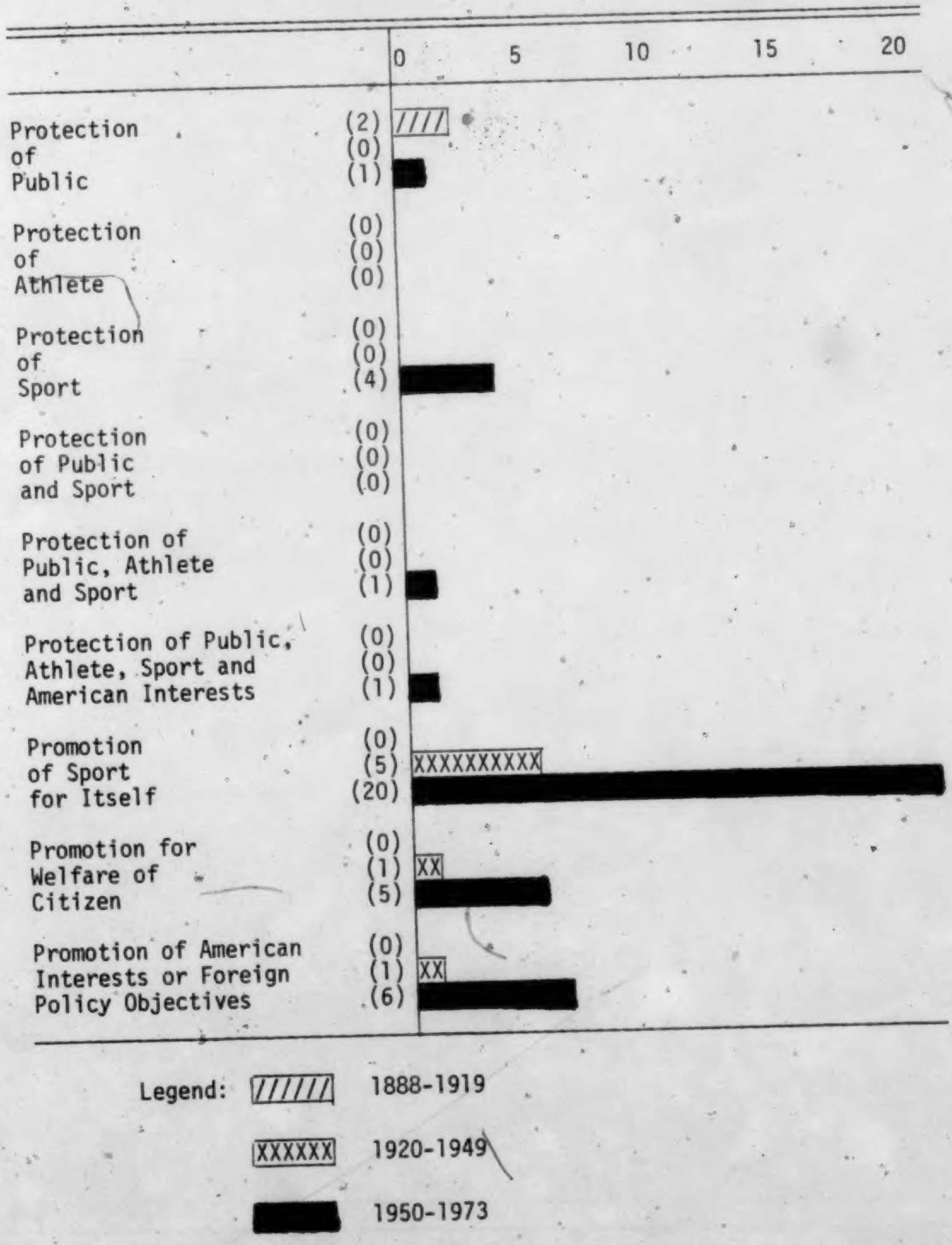


A different picture exists, however, when the total number of successful bills and resolutions is examined. Whereas attempted legislation for purposes of protection far outweighed those of promotion, exactly the opposite picture emerges when an examination of the total number of successful bills and resolutions is carried out (Table 14). This can be attributed in part to a number of successful bills and resolutions which honored sport and invitations which were extended to hold sporting events in the United States. Possibly affecting passage in this area was the less threatening nature of this type of legislation both to the public and to Congress, and the fact that legislation of this manner was not in conflict with the idea of states rights. Further examination of the areas of promotion and protection reveals that bills designed for the purpose of promoting sport for sport itself tripled other subdivisions since 1920 in the number of pieces of successful legislation (Table 15). This could be taken to indicate that the majority of sport legislation passed in Congress from 1888 to 1973 was done for the apparent purpose of safeguarding sport in such a way as to allow it to continue to exist and to operate reasonably free of other types of constraints and controls. Unlike so many other areas of social, economic and educational concern, the field of modern sport transcends regional and state jurisdictions and requires national and international controls and sanctions. This in part may explain the substantial increase in federal government legislative involvement.

Through it all, many factors determined United States federal involvement in sport and physical education from 1888 to 1973, with no one specific factor acting as the sole promoter or instigator. Involvement was influenced to a great extent by the whims of the executive

TABLE 15

BILLS AND RESOLUTIONS PASSED



branch of the government as displayed by Theodore Roosevelt's interest in football brutality, Franklin Roosevelt's involvement in fitness during World War II, Dwight Eisenhower's use of the President's Emergency Fund and the creation of the President's Council on Youth Fitness, John Kennedy's creation of the Interagency Committee on International Athletics, the Peace Corps and his interest in the NCAA-AAU controversy, and Richard Nixon's preoccupation and enthusiasm for football which played a major role in passage of legislation terminating blackouts of professional football.

The international situation, specifically during the era of the Cold War, produced an environment in which the federal government was motivated to become involved in sport. This was particularly evident when United States supremacy in international athletic competition--especially the Olympic games--was threatened, together with the threat that our youth were comparably unfit to their European counterparts.

Social and economic issues were also instrumental in producing an increased involvement in sport by the federal government. Such things as the Depression which resulted in a great deal of federal building projects aiding sport, and the movement in the early 1970s for individual rights which resulted in the introduction of legislation to protect the athlete, were largely part of a greater social movement in American society at that time.

Determining to a large extent all moves by the federal government into the sector of sport and physical education was the cost element, a prime reason for the demise of many legislative attempts in the area. As in the case in so many areas of legislation, the question of precedent weighed heavily in the balance, which was the gauge by which

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the likelihood of passage was measured. There was the fear that a precedent would be set which could be used in the future for further federal involvement, something the majority of the members of Congress were loathe to accept. This mitigated against the passage of many pieces of sport and fitness-related legislation.

Whether American interests or foreign policy objectives could be achieved through sport was another factor determining whether federal involvement would occur, and was mainly limited to the period of the Cold War.

Greatly influencing all action in these matters was the sentiment of the public. For the most part, the executive and legislative branches of the government did respond to their constituents when a clamor arose for federal involvement. Such was the case relative to the 1966 professional football merger, the lifting of professional football blackouts in 1973, the termination of the ban on professional prize fight films in 1940, and the numerous times when the United States athletic supremacy was threatened in international amateur athletic competition. Overriding all of these factors, however, was the firm American belief that sport and physical education were really areas outside the purview of the federal government as set out in the Constitution. The idea of "the less government the better" still pervaded American thought and American society as 1973 came to a close. As a consequence, limited involvement of an overt nature was generated by the federal government during the period examined.

As to the future of the federal government's role in sport and physical education, Chase concluded that:

> . . . government involvement in sports will increase but not to the point of total nationalization of the program . . . the government will become increasingly involved because the political and national value of success in the international sports scene has become too great for the government to allow bickering private administrative bodies to continue to so inefficiently govern American representation in international sports.[1]

While Chase speaks in terms of amateur sport in America, when the entire area of federal involvement in sport, both amateur and professional, is considered, there are just too many factors influencing involvement to make such a prediction. Granted, it cannot be denied that involvement is increasing, at least in legislative attempts. Conversely, it also cannot be denied that within American society there continues to exist a general negative attitude toward federal involvement in sport and physical education. Until this attitude is reversed, which requires a change from past American traditions dating back centuries, little permanent direct involvement will ensue, with the exception of those areas already discussed (war, et cetera) and temporary agencies. The federal government will continue for the most part to remain on the periphery of involvement in the control and shaping of sport and physical education. This is particularly true of professional sport due to the private-enterprise nature of the structure.

Amateur sport in America, because of deep traditional anti-government bias, remained at the close of 1973 much as it had since 1888--outside the federal government. What General Gavin reported to President Johnson in 1965 still held true in 1973, and promised to continue into the future.

> The United States is almost the only nation without a national organization representing the broadest interests of amateur sports. The most obvious explanation seems to be

> that, whereas most other countries have willingly brought their sports programs into the public domain, this country has traditionally insisted that the government be excluded from having any policy control whatsoever over the conduct of amateur sports.[2]

One central theme continues to pervade American society today in its attitude toward the federal government involving itself in any sector of society: distrust. As one United States senator sarcastically described it,

> . . . government intervention usually makes things a little worse than they were and a lot more costly.[3]

CHAPTER XIV

Footnotes

[1] Jeffrey Chase, "Politics and Nationalism in Sports: Soviet and American Government Involvement in Amateur Sports as an Aspect of the Cold War" (Masters thesis, San Jose State University, 1973), p. 170.

[2] James M. Gavin, Report to the President of the United States, "Amateur Sports in America: An Appraisal and a Proposal," prepared by Arthur D. Little & Co., January 1956, p. 22.

[3] Senator James Buckley, *New York Times*, 18 April 1974, p. 71.

APPENDICES

APPENDIX A

FUNCTIONS OF THE NATIONAL AMATEUR SPORTS FOUNDATION*

1. Study and advise on national needs relating to competitive amateur sports, leading to the formulation and maintenance of a national policy to guide both Government and the private sector in their respective fields of activity;
2. Coordinate by voluntary means the interests and activities of national sports associations with one another and with related educational and recreation programs of local, state, and Federal Government;
3. Strengthen and expand the development of competitive amateur sports in the United States by:
    a. Providing managerial, financial, technical, legal, informational, instructional, and promotional assistance to sports-governing bodies and related organizations responsible for development of individual sports; and
    b. Sponsoring and stimulating the establishment of advanced or improved coaching, physical training, and physical education programs;
4. Carry out activities that extend knowledge or facilitate the practice of amateur sports by:
    a. Sponsoring or soliciting useful research in sports medicine, athletic facility and equipment design, performance analysis and the like;
    b. Identifying specific sports facility requirements and arranging for provision of facilities by appropriate public or private groups; and
    c. Establishing and maintaining a data bank for the compilation, analysis and dissemination of information pertaining to all significant aspects of amateur sports.

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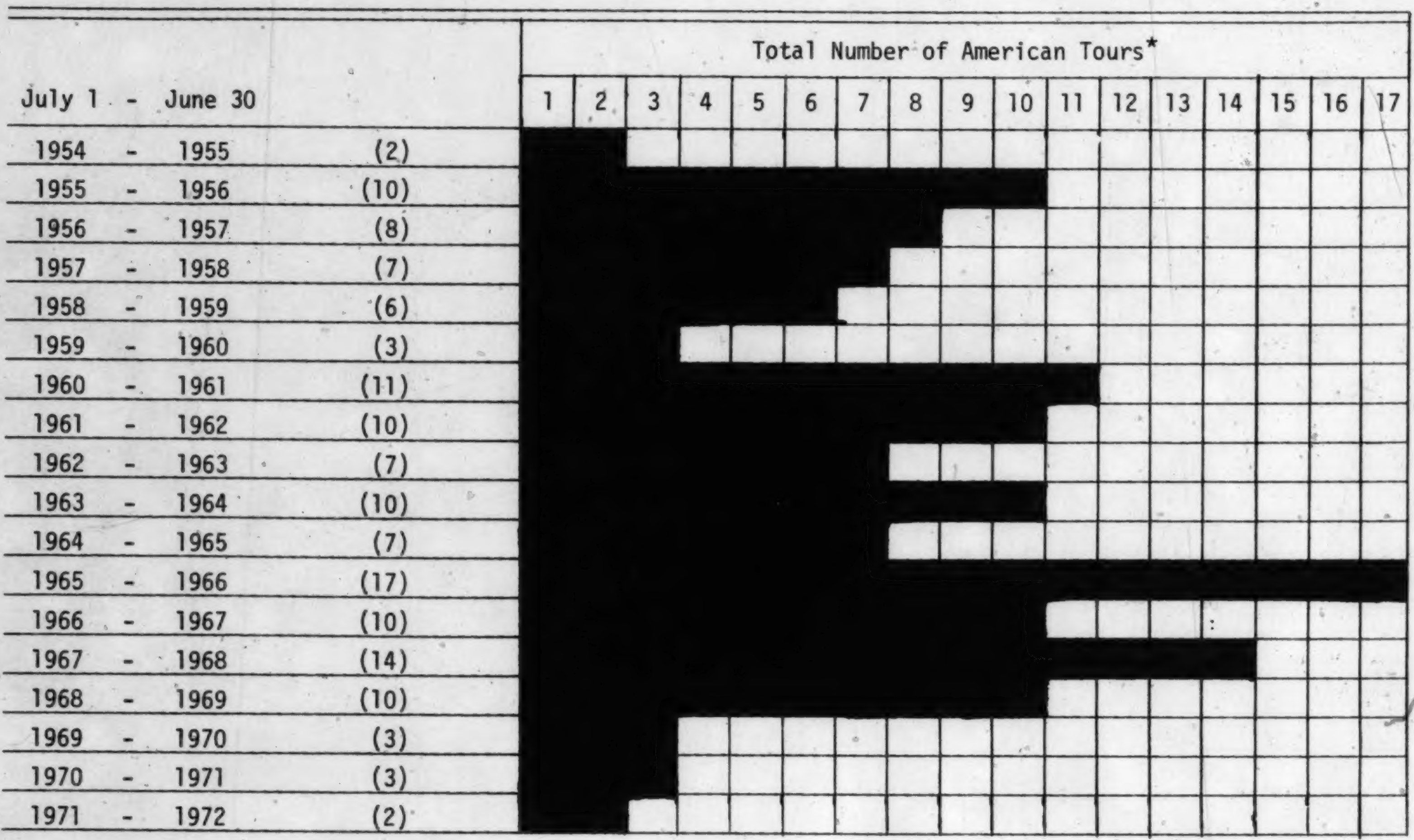
*James M. Gavin, Report to the President of the United States, "Amateur Sports in America: An Appraisal and a Proposal," prepared by Arthur D. Little & Co., 25 January 1965, pp. 3-4.

APPENDIX B. American Tours - 1954-1972



*Tours scheduled to visit more than one area are listed as one tour.

APPENDIX B (Continued)

		Africa (AF)	
Team	Sport	Country	Date
AAU Team	Track & Field	AF-Liberia, Ghana, Nigeria	March 24 - April 20, 1956
AAU Team	Track & Field	AF-Ghana, Nigeria, Rhodesia and Nyasaland	March 30 - May 2, 1959
AAU Team	Track & Field	AF-Congo, Mozambique, Kenya, Uganda	March 22 - April 14, 1960
AAU Team	Track & Field	AF-Mali, Guinea, Ivory Coast, Nigeria	March 27 - April 15, 1960
AAU Team	Boxing	AF-Congo, Nigeria, Ghana, Ivory Coast, Liberia, Sierra Leone, Guinea, Senegal	February 19 - April 16, 1961
AAU Team	Boxing	AF-Ethiopia, Tanzania, Uganda, Sudan, Kenya (See also NEA-Jordan, UAR)	May 5 - June 7, 1961
AAU Team	Track & Field	AF-Morocco, Ethiopia	April 28 - June 1, 1962
AAU Team	Track & Field	AF-Uganda, Rhodesia, Kenya, Malagasy Republic (See also NEA-Cyprus, Greece, UAR)	September 22 - November 26, 1962
AAU Team	Basketball	AF-Morocco, Algeria, Tunisia, Ethiopia, Sudan	October 2 - November 26, 1962
AAU Team	Track & Field	AF-Chad, Congo, Cameroon, Gabon, UAR	October 13 - November 26, 1963
AAU Team	Track & Field	AF-Senegal, Mali, Guinea, Nigeria, Ivory Coast	April 14 - June 2, 1964
AAU Team	Boxing	AF-Algeria, Kenya, Tanzania, Uganda	June 25 - August 15, 1964
AAU Team	Track & Field	AF-Upper Volta, Nigeria, Ghana, Sierra Leone, Algeria	November 5 - December 18, 1964
AAU Team	Track & Field	AF-Morocco, Kenya, Tunisia, Malagasy Republic (See also NEA-UAR)	April 10 - May 1965
Michigan University Team	Basketball	AF-Algeria (See also NEA-UAR, Turkey, Greece)	August 1-30, 1965

APPENDIX B (Continued)

Africa (AF)

Team	Sport	Country	Date
AAU Team	Boxing	AF-Kenya, Uganda	December 1-22, 1965
AAU Team	Cross-Country Track & Field	AF-Morocco (See also EUR-Belgium, United Kingdom)	March 15-28, 1966
AAU Team	Swimming	AF-Tunisia, Algeria (See also NEA-Lebanon, Afghanistan, Syria)	June 4 - July 16, 1966
AAU Team	Gymnastics	AF-Ethiopia, Somali, Malawi (See also NEA, Cyprus)	June 16 - July 31, 1966
National Team (AAU)	Basketball	AF-Tunisia, Morocco (See also EUR-Austria, Finland)	July 12 - August 4, 1966
Kentucky Wesleyan College	Basketball	AF-Chad, Togo, Dahomey, Nigeria, Senegal	July 22 - September 2, 1966
Davis Cup Squad	Tennis	AF-Kenya, Ethiopia, Ghana (See also NEA-Pakistan and EA-Singapore, Malaysia, Burma)	February 2 - March 26, 1967
AAU Cross-Country	Track & Field	AF-Tunisia, Ethiopia, Zambia	March 14 - April 8, 1968
DoD Team	Boxing	AF-Nigeria, Cameroon, Upper Volta, Ghana	April 13 - May 29, 1968
AAU Team	Swimming	AF-Morocco (See also NEA-Lebanon, Greece, Turkey, Jordan)	June 22 - July 20, 1968
AAU Team	Gymnastics	Africa	July 1, 1967 - June 30, 1968
AAU Team	Track	Africa	July 1, 1968 - June 30, 1969
U.S. Collegiate Sports Council Team	Gymnastics	Africa (See also Near East)	July 1, 1968 - June 30, 1969
2 NAIA Teams	Basketball	Africa	July 1, 1969 - June 30, 1970
U.S. Collegiate Sports Council Team	Basketball	Africa	July 1, 1969 - June 30, 1970
3 pro-basketball players	Basketball	Africa	July 1, 1970 - June 30, 1971

APPENDIX B (Continued)

Africa (AF)

Team	Sport	Country	Date
2 tennis players: Arthur Ashe and Stan Smith	Tennis	Africa	July 1, 1970 - June 30, 1971
Grants in Aid		Africa (See also Latin America and Near East)	July 1, 1971 - June 30, 1972

APPENDIX B (Continued)

Western Europe (EUR)

Team	Sport	Country	Date
AAU Team	Track & Field Swimming	EUR-Finland, Italy (See also NEA-Greece, Turkey, Lebanon, UAR; EA-Singapore, Malaysia)	June 17 - September 14, 1955
University of Pennsylvania		EUR-Germany	July 9-24, 1955
Amateur Team	Soccer	EUR-Iceland	August 20-30, 1955
AAU Team	Swimming	EUR-Austria (See also NEA-Ceylon, India)	November 22 - December 20, 1955
Syracuse Nationals	Pro Basketball	EUR-Iceland, Germany, Austria, Italy, Spain (See also NEA-Iran, Iraq, Lebanon, UAR)	April 15 - May 20, 1956
Cross-Country Team (AAU)	Track & Field	EUR-Finland	August - September 15, 1956
AAU Team	Track & Field	EUR-Austria (See also EUR/EE-Romania; NEA-Greece, Iraq, Iran)	September 12 - October 11, 1956
AAU Team	Synchronized Swimming	EUR-Netherlands, Switzerland (See also NEA-UAR, Pakistan, India; EA-Ceylong, New Zealand, Australia)	October 16 - December 4, 1956
Amateur Team	Ice Hockey	EUR-United Kingdon, Netherlands, Germany Switzerland	February 4 - March 23, 1957
AAU Team	Track & Field	EUR/WE-France (See also EUR/EE-Romania)	August 31 - September 16, 1957
Harlem Globe-Trotters Team	Basketball	EUR-Finland (See also EUR/EE-Poland, Hungary, Romania)	May 27 - June 19, 1961
New York All-Stars	Soccer	EUR-Iceland (See also NEA-Jordan, Turkey, Syria, Iran, Lebanon, Greece, Cyprus)	September 10 - October 28, 1962

APPENDIX B (Continued)

Western Europe (EUR)

Team	Sport	Country	Date
Junior Team	Table Tennis	EUR-Belgium, Denmark	March 28 - April 26, 1963
Student Team	Chess	EUR-Austria (See also EUR/EE-Yugoslavia, Poland)	July 1-24, 1963
Pro Team	Basketball	EUR-Italy (See also EUR/EE-Yugoslavia, Romania; NEA-Lebanon)	May 10 - June 6, 1965
University All-Star Team (AAU)	Basketball	EUR-Sweden, Finland, Czechoslovakia, Hungary	July 25 - August 30, 1965
World University Games-Alpine Nordic Events	Skiing	EUR-Italy	February 5-13, 1966
AAU Team	Cross-Country	EUR-Belgium, United Kingdom (See also AF-Morocco)	March 15-28, 1966
National Team (AAU)	Basketball	EUR-Austria, Finland (See also AF-Tunisia, Morocco)	July 12 - August 4, 1966
World University Games-Alpine Nordic Events	Skiing	EUR-Austria	January 21 - January 28, 1968
Chess Team	International Chess Tournament	Iceland	July 1, 1967 - June 30, 1968
World University Winter Games Teams	Winter Sports	Europe	July 1, 1969 - June 30, 1970
U.S. Gymnastics Federation Team	Gymnastics	Europe (See also Eastern Europe)	July 1, 1971 - June 30, 1972

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APPENDIX B (Continued)

Eastern Europe (EUR/EE)

Team	Sport	Country	Date
AAU Team	Track & Field	EUR/EE Romania (See also EUR-Austria; NEA-Greece, Iraq, Iran)	September 12 - October 11, 1956
AAU Team	Track & Field	EUR/EE-Romania (See also EUR/WE-France)	August 31 - September 16, 1957
AAU Team	Basketball	EUR/EE-U.S.S.R.	April 21 - May 27, 1958
AAU Team	Track & Field	EUR/EE-Poland, Hungary, U.S.S.R.	July 16 - August 1958
AAU Team	Track & Field	EUR/EE-U.S.S.R., Poland, Hungary (See also NEA-Greece)	July 18 - August 1958
University of Washington	Rowing	EUR/EE-U.S.S.R.	July 20, 1958
Collegiate Team	Chess	EUR/EE-U.S.S.R.	July 15 - August 2, 1960
AAU Team	Basketball	EUR/EE-U.S.S.R.	April-May, 1961
Harlem Globe-Trotters Team	Basketball	EUR/EE-Poland, Hungary, Romania (See also EUR-Finland)	May 27 - June 19, 1961
Kramer, Jack	Pro Tennis	EUR/EE-U.S.S.R.	June 1, 1961
AAU Team	Weightlifting	EUR/EE-U.S.S.R.	July 4-17, 1961
AAU Team	Track & Field	EUR/EE-U.S.S.R., Poland	July 15-30, 1961
AAU Team	Gymnastics	EUR/EE-U.S.S.R., Czechoslovakia, Poland	August 16 - September 4, 1961
University of Washington	Rowing	EUR/EE-Czechoslovakia	August 24-27, 1961
Ski Team	Skiing	EUR/EE-Czechoslovakia	February 9 - February 25, 1962
Figure Skating Team	Skating	EUR/EE-Czechoslovakia, U.S.S.R.	March 14 - April 1, 1962
National Team	Chess	EUR/EE-Poland, Bulgaria, Yugoslavia	September 10 - October 13, 1962

APPENDIX B (Continued)

Eastern Europe (EUR/EE)

Team	Sport	Country	Date
National Team	Ice Hockey	EUR/EE-Czechoslovakia, Poland, U.S.S.R.	January 29 - February 14, 1963
Student Team	Chess	EUR/EE-Yugoslavia, Poland (See also EUR-Austria)	July 1-24, 1963
National Amateur Team	Basketball	EUR/EE-U.S.S.R.	April 15 - May 6, 1964
Professional All-Star Team	Basketball	EUR/EE-Yugoslavia, Poland, Romania (See also NEA-UAR)	May 2 - June 6, 1964
Student Team	Chess	EUR/EE-Czechoslovakia, Poland	July 15 - August 3, 1964
Pro Team	Basketball	EUR/EE-Yugoslavia, Romania (See also EUR-Italy; NEA-Lebanon)	May 10 - June 6, 1965
World University Games (AAU)	Track & Field	EUR/EE-Hungary	August 13-24, 1965
National Team	Swimming	EUR/EE-Hungary, Romania (See also NEA-Cyprus, UAR, Iran, Iraq)	August 18 - September 17, 1965
Vesper Boat Team	Rowing	EUR/EE-Bulgaria, Yugoslavia (See also NEA-UAR)	May 30 - June 24, 1966
National Team (AAU)	Swimming	EUR-Poland, U.S.S.R.	July 9-18, 1966
Student Team	Chess	EUR/EE-Czechoslovakia, Hungary, Yugoslavia	July 15 - August 4, 1967
U.S. Collegiate Sports Council Team	Basketball	Eastern Europe (See also Near East and Africa)	July 1, 1968 - June 30, 1969
U.S. Gymnastics Federation Team	Gymnastics	Eastern Europe (See also Western Europe)	July 1, 1971 - June 30, 1972

APPENDIX B (Continued)

East Asia (EA)

Team	Sport	Country	Date
AAU Team	Track & Field Swimming	EA-Singapore, Malaysia (See also NEA-Greece, Turkey, Lebanon, UAR; EUR-Finland, Italy)	June 17 - September 14, 1955
AAU Team	Weightlifting	EA-Burma (See also NEA-Iraq, Afghanistan, India)	October 30 - November 28, 1955
All Asian Tournament	Tennis	EA-Ceylon, Burma (See also NEA-India, Pakistan)	December 3, 1955 - January 13, 1956
AAU Team	Synchronized Swimming	EA-Ceylon, New Zealand, Australia (See also EUR-Netherlands, Switzerland; NEA-UAR, Pakistan, India)	October 16 - December 4, 1956
Olympic Team	Soccer	EA-Japan, Korea, Taiwan	October 24 - November 17, 1956
San Francisco Chinese-American Team	Basketball	EA-Taiwan, Hong Kong, Malaysia, Singapore, Thailand	October 31 - December 10, 1956
National Team	Table Tennis	EA-Indonesia, Ceylon (See also NEA-Iran, Afghanistan, Pakistan)	August 10 - October 12, 1957
AAU Team	Track & Field	EA-Burma, Thailand, Cambodia, Singapore, Malaysia, Laos, Taiwan, Japan	March 26 - April 24, 1958
Kramer, Jack	Pro Tennis	EA-Philippines, Taiwan, Malaysia, Singapore, Indonesia	November 24 - December 11, 1960
Water Ski Show (T. Bartlett)	Water Skiing	EA-Thailand	December 3 - December 14, 1960
Harlem Globe-Trotters Team	Basketball	EA-Thailand (See also NEA-Pakistan)	December 25, 1960 - January 4, 1961

APPENDIX B (Continued)

East Asia (EA)

Team	Sport	Country	Date
AAU Team	Basketball	EA-Burma, Hong Kong, Japan, Indonesia, Taiwan, Malaysia, Philippines, Singapore, Thailand, Viet-Nam	October 14 - December 7, 1962
AAU Team	Basketball	EA-Burma, Singapore, Taiwan, Cambodia	September 28 - November 16, 1963
AAU Team	Track & Field	EA-Malaysia, Singapore, Thailand, Hong Kong, Philippines	July 26 - September 3, 1965
Amateur Group	Softball	EA-Japan, Philippines, Malaysia, New Zealand	October 1-11, 1965
NAIA Team	Basketball	EA-Malaysia, Singapore, Hong Kong (See also NEA-Pakistan)	July 21 - September 1, 1966
Davis Cup Squad	Tennis	EA-Singapore, Burma, Malaysia (See also NEA-Pakistan; AF-Kenya, Ethiopia, Ghana)	February 2 - March 26, 1967
University World Games	Swimming, Track, Basketball, Gymnastics	EA-Japan	August 19 - September 4, 1967
Davis Cup Team	Tennis	Far East	July 1, 1968 - June 30, 1969
"Seattle Team"	Gymnastics	Far East	July 1, 1968 - June 30, 1969
AAU Team	Track	Far East	July 1, 1968 - June 30, 1969

APPENDIX B (Continued)

Latin America (ARA)

Team	Sport	Country	Date
AAU Team	Track & Field Swimming	ARA-Cuba, Jamaica, Haiti, Trinidad, Dominican Republic, Martinique, Guatemala, Panama, Colombia, Peru, Chile, Argentina, Brazil, British Guiana	March 21 - April 14, 1955
Women's Team (AAU)	Swimming	ARA-Guatemala	June 1-13, 1955
University of Denver Team		ARA-Chile, Peru, Argentina	July 28 - September 10, 1955
San Francisco Dons Team	Basketball	ARA-Chile, Argentina	July 12 - August 10, 1956
American Legion Team	Baseball	ARA-El Salvador, Panama, Colombia, Nicaragua	September 26 - October 23, 1956
Davis Cup Team	Tennis	ARA-Peru	March 22 - March 26, 1959
Chicago-Denver Truckers Team (AAU)	Basketball	ARA-Guatemala, El Salvador, Mexico, Costa Rica, Ecuador, Venezuela, Dominican Republic	April 3 - May 13, 1962
Grambling-Westminster Team (AAU)	Basketball	ARA-Nicaragua, Peru, Chile, Argentina, Uruguay, Paraguay, Brazil, Colombia	June 25 - July 26, 1962
Amateur Team	Baseball	ARA-El Salvador, Honduras, Costa Rica, Dominican Republic	June 21 - August 10, 1963
NAIA Team (AAU)	Basketball	ARA-Ecuador, Colombia, Venezuela, Bolivia, Argentina, Uruguay	July 1 - August 10, 1963
NAIA Team (AAU)	Basketball	ARA-Surinam, Trinidad, Netherlands Antilles, Martinique, Barbados	July 11 - August 28, 1964
Professional Group	Baseball	ARA-Dominican Republic, Guatemala, Nicaragua, Surinam, Colombia	October 27 - November 25, 1964
St. Joseph's College Team	Basketball	ARA-Brazil, Uruguay	June 28 - August 1, 1965

APPENDIX B (Continued)

Latin America (ARA)

Team	Sport	Country	Date
AAU Team	Basketball	ARA-British Guiana, Panama, Ecuador, Peru, Bolivia	July 14 - September 5, 1965
Women's AAU Team	Swimming Track & Field	ARA-Jamaica, Costa Rica, Colombia, Ecuador, Brazil	August 18 - October 3, 1965
AAU Team	Track & Field	ARA-Peru, Chile, Argentina, Brazil, Venezuela	October 1 - November 21, 1965
Armed Forces Team (DoD)	Basketball	ARA-Panama, El Salvador, Costa Rica, Honduras, Guatemala	May 5 - June 4, 1966
II International Sports Week (AAU)	Track & Field Swimming	ARA-Mexico	October 12 - October 23, 1966
Pro Team	Basketball	ARA-Uruguay, Brazil	May 6-18, 1967
Tyms (William & Alice) Team	Tennis	ARA-Trinidad, Guyana, Barbados, Martinique-Guadeloupe	October 1 - November 26, 1967
III International Sports Week	Swimming Track Pentathlon	ARA-Mexico	October 13 - October 26, 1967
AAU Team	Track & Field	ARA-Chile, Argentina	October 19 - October 20, 1967
William & Alice Tyms Team	Tennis	Latin America	July 1, 1967 - June 30, 1968
International Sports Week Teams	Track Swimming Diving Pentathlon	Mexico	July 1, 1967 - June 30, 1968
Armed Forces Team	Basketball	Latin America	July 1, 1968 - June 30, 1969
AAU Team	Gymnastics	Latin America	July 1, 1968 - June 30, 1969
College All-Star Team	Baseball	Mexico	July 1, 1968 - June 30, 1969
Team for	Wheelchair Games	American Republics	July 1, 1970 - June 30, 1971
Grants in Aid		American Republics (See also Africa, Near East)	July 1, 1971 - June 30, 1972

APPENDIX B (Continued)

Near East/Asia (NEA)

Team	Sport	Country	Date
AAU Team	Track & Field Swimming	NEA-Greece, Turkey, Lebanon, UAR (See also EA-Singapore, Malaysia; EUR-Finland, Italy)	June 17 - September 14, 1955
Harlem Globe-Trotters Team	Basketball	NEA-Iran	July 21, 1955
AAU Team	Weightlifting	NEA-Iraq, Afghanistan, India (See also EA-Burma)	October 30 - November 28, 1955
AAU Team	Swimming	NEA-Ceylon, India (See also EUR-Austria)	November 22 - December 20, 1955
All Asian Tournament	Tennis	NEA-India, Pakistan (See also EA-Ceylon, Burma)	December 3, 1955 - January 13, 1956
Syracuse Nationals	Pro Basketball	NEA-Iran, Iraq, Lebanon, UAR (See also EUR-Iceland, Germany, Austria, Italy, Spain)	April 15 - May 20, 1956
AAU Team	Track & Field	NEA-Greece, Iraq, Iran (See also EUR/EE-Romania; EUR-Austria)	September 12 - October 11, 1956
AAU Team	Synchronized Swimming	NEA-UAR, Pakistan, India (See also EUR-Netherlands, Switzerland; EA-Ceylon, New Zealand, Australia)	October 16 - December 4, 1956
National Team	Table Tennis	NEA-Iran, Afghanistan, Pakistan (See also EA-Indonesia, Ceylon)	August 10 - October 12, 1957
AAU Champions	Weightlifting	NEA-Iran	November 5 - November 14, 1957
Amateur Team	Tennis	NEA-Lebanon, UAR	March 2-29, 1958
AAU Team	Track & Field	NEA-Greece, Lebanon, Turkey	March 25 - April 21, 1958

APPENDIX B (Continued)

Near East/Asia (NEA)

Team	Sport	Country	Date
AAU Team	Track & Field	NEA-Greece (See also EUR/EE-U.S.S.R., Poland, Hungary)	July 18 - August 1958
AAU Team	Gymnastics	NEA-Afghanistan, Iran, Turkey	August 22 - September 11, 1958
AAU Team	Track & Field	NEA-Cyprus, Lebanon, UAR, Iran, Turkey	March 26 - April 24, 1960
Water Ski Show	Water-skiing	NEA-Kuwait	December 10 - December 14, 1960
Harlem Globe-Trotters Team	Basketball	NEA-Pakistan (See also EA-Thailand)	December 25, 1960 - January 4, 1961
AAU Team	Gymnastics Trampoline	NEA-Turkey, Cyprus, Lebanon, Jordan	February 20 - March 20, 1961
AAU Team	Boxing	NEA-Jordan, UAR (See also AF-Ethiopia, Tanzania, Uganda, Sudan, Kenya)	May 5 - June 7, 1961
Goodyear Wingfoot Team (AAU)	Basketball	NEA-Iran, Iraq, Afghanistan, Turkey	October 2 - November 14, 1961
Phillips "66" Oilers Team (AAU)	Basketball	NEA-Greece, Jordan, Lebanon, UAR, Cyprus, Syria	October 15 - November 28, 1961
New York All-Stars	Soccer	NEA-Syria, Jordan, Turkey, Iran, Lebanon, Greece, Cyprus (See also EUR-Iceland)	September 10 - October 28, 1962
AAU Team	Track & Field	NEA-Cyprus, Greece, UAR (See also AF-Uganda, Rhodesia, Kenya, Malagasy Republic)	September 22 - November 26, 1962
AAU Team	Track & Field	NEA-Greece, Turkey, Iran	October - November, 1963
Profes-sional All-Star Team	Basketball	NEA-UAR	May 2 - June 6, 1964
AAU Team	Track & Field	NEA-UAR (See also AF-Morocco, Kenya, Tunisia, Malagasy Republic)	April 10 - May 1965

APPENDIX B (Continued)

Near East/Asia (NEA)

Team	Sport	Country	Date
Pro-Team	Basketball	NEA-Lebanon (See also EUR-Italy; EUR/EE-Yugoslavia, Romania)	May 10 - June 6, 1965
Springfield College Team	Basketball	NEA-Ceylon, India, Pakistan	July 16 - September 5, 1965
Michigan University Team	Basketball	NEA-UAR, Turkey, Greece (See also AF-Algeria)	August 1-30, 1965
National Team	Swimming	NEA-Cyprus, UAR, Iran, Iraq (See also EUR/EE-Hungary, Romania)	August 18 - September 17, 1965
Armed Forces Team (DoD)	Basketball Boxing Track & Field	NEA-Iraq	November 21 - November 30, 1965
Vesper Boat Team	Rowing	NEA-UAR (See also EUR/EE-Bulgaria, Yugoslavia)	May 30 - June 24, 1966
AAU Team	Swimming	NEA-Lebanon, Afghanistan, Syria (See also AF-Tunisia, Algeria)	June 4 - July 16, 1966
AAU Team	Gymnastics	NEA-Cyprus (See also AF-Malawi, Ethiopia, Somali	June 16 - July 31, 1966
NAIA Team	Basketball	NEA-Pakistan (See also EA-Malaysia, Singapore, Hong Kong)	July 21 - September 1, 1966
University of Kentucky Team	Basketball	NEA-Greece, Israel, Iran	July 23 - August 25, 1966
Davis Cup Squad	Tennis	NEA-Pakistan (See also EA-Singapore, Malaysia; AF-Kenya, Ethiopia, Ghana)	February 2 - March 26, 1967
AAU Team	Swimming	NEA-Lebanon, Greece, Turkey, Jordan (See also AF-Morocco)	June 22 - July 20, 1968
AAU Team	Tennis	Near East	July 1, 1967 - June 30, 1968
AAU Team	Wrestling	Near East	July 1, 1967 - June 30, 1968

APPENDIX B (Continued)

Near East/Asia (NEA)

Team	Sport	Country	Date
U.S. Collegiate Sports Council Team	Gymnastics	Near East (See also Africa)	July 1, 1968 - June 30, 1969
U.S. Collegiate Sports Council Team	Basketball	Near East (See also Eastern Europe and Africa)	July 1, 1968 - June 30, 1969
Grants in Aid		Near East (See also American Republics and Africa)	July 1, 1971 - June 30, 1972

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